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# Gender equality, cultural diversity: European comparisons and lessons

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## Contents

| <i>Click titles to jump to correct the page</i>      | <b>Page</b> |
|--|-------------|
| <b>Overview</b>                                      | <b>1</b>    |
| <b>Introduction</b>                                  | <b>4</b>    |
| <b>Background information</b>                        | <b>2</b>    |
| <b>Acknowledgements</b>                              | <b>5</b>    |
| <b>Context</b>                                       | <b>6</b>    |
| <b>Part 1: Legislative and policy initiatives</b>    | <b>9</b>    |
| • Forced marriage                                    | 9           |
| • Family reunification, residency and citizenship    | 12          |
| • 'Honour'   | 15          |
| • Female genital mutilation/cutting                  | 18          |
| • Dress  | 21          |
| <b>Part 2: Discussion</b>                            | <b>26</b>   |
| • The role of gender                                 | 26          |
| • Religion and culture                               | 28          |
| • Legislative and policy implications                | **          |
| <b>Conclusion</b>                                    | <b>33</b>   |
| <b>References</b>                                    | <b>34</b>   |
| <b>Appendix 1</b> – Project outline and participants | <b>36</b>   |
| <b>Appendix 2</b> – Population figures               | <b>38</b>   |
| <b>Appendix 3</b> – Contacts                         | <b>39</b>   |
| <b>Endnotes</b>                                      | <b>40</b>   |

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## Overview

1

A key objective of this report is to identify commonalities across European countries in measures to protect and empower women from minority communities, with a view to beginning to map which policies are more and which less effective. Below is an overview of some of the common themes that emerge in the report, in terms of factors that can undermine initiatives on the one hand, and approaches that can enhance their effectiveness on the other.

### Factors that can undermine policy:

- In many countries, immigration measures are the principal means of discouraging and preventing forced marriages – leading to potential confusion about the motives behind new regulations, a failure to tackle abuses with no overseas dimension, and a lack of credibility among members of minority communities.
- Distinctions between the different ‘practices’ and forms of violence discussed here are sometimes blurred under a single heading, such as ‘honour-based violence’. This makes it difficult to target policies effectively and risks stigmatising certain communities.
- At the same time, violence against women from minority communities is treated separately from ‘mainstream’ violence against women, often as part of race and immigration policy instead of as part of gender violence work. This feeds into a dichotomy between ‘emancipated’ European women and ‘oppressed’ Muslim or minority women.
- The media plays an important role in drawing attention to violence against women, in particular by highlighting cases, but it sometimes does so in a sensationalist way and reinforces stereotypes. The cases chosen to highlight are often atypical.
- The efforts and ongoing work of women in minority community organisations is often unrecognised, and women are inadequately represented and consulted in the formulation of policy initiatives that directly concern them. This means that public policy fails to make use of the experience and expertise that exists on the ground, lacks credibility and misses its targets. The current focus on Muslim women as victims rather than agents is particularly damaging to Muslim minorities, but also means that the specific needs of women in other minority groups may be overlooked.
- A focus on religion and culture means that social and economic factors, power imbalances and institutionalised discrimination – all of which contribute to women’s marginalisation – are ignored. And while religion and culture are the focus of the initiatives discussed here, there is a lack of clarity about the distinction between them, which makes it difficult to identify and address root causes. For example, exemptions to gender equality requirements on religious grounds may go unchallenged if culture rather than religion is problematised.
- Members of religious and cultural minorities continue to be portrayed in homogenizing ways. Essentialist views of cultural and religious identity remain

prevalent. In particular, there are few positive images of Muslim women and the *hijab* has become symbolic of the oppressive nature of Islam to many people in Europe.

- Too great a focus on targeted laws at the expense of education and awareness-raising work may not be the best way to tackle a problem – new laws are relatively cheap, but sometimes unnecessary and rarely enforced.
- While the pivotal position of women in discourses about culture, religion and immigration is unrecognised, their role as mothers and in the home may mean they are blamed for failures of integration.
- A discourse of gender equality is sometimes used to pursue an anti-immigration or Islamophobic agenda by those who have previously shown little interest in women's rights.

### **Suggested approaches:**

- The women (and girls) who are most in need of protection from the forms of violence discussed here need to be involved and consulted in developing and implementing measures of protection and prevention. Women with direct experience of the issues in question should be empowered to drive the policy agenda.
- A balance needs to be struck between universally applicable and discrete policy initiatives. Violence against women from minority communities may be best addressed within a broad framework of women's rights that is flexible enough to allow specific initiatives and research in particular areas.
- There is disagreement about the degree to which targeted legislation – for example on FGM/C or forced marriage – is useful. But there is general consensus that where legislation is a lever for change it needs to go hand-in-hand with adequately resourced educational and social services.
- Leading from this last point, researchers in all countries report a lack of adequate resources for civil society and non-governmental organisations (NGOs) supporting Muslim and migrant women from minority communities at grassroots level. Increased and long term funding would help strengthen policy initiatives.
- There is a noticeable lack of data on prevalence of the forms of violence discussed in this report. It is difficult, therefore, to assess the success of measures to reduce forced marriage, FGM/C or 'honour' crimes. Improved data collection and increased funding for research would be beneficial.
- Clarity about the objectives of policy initiatives is crucial if the initiatives are to have credibility. Punitive measures are sometimes necessary, but the long-term goal is prevention, which means promoting a culture of respect for women's rights. This is unlikely to happen if there is a perception that the underlying objective of new policies is to reduce immigration, for example.
- Following from this, a human rights framework can help to raise awareness of and prevent violence against women, and be used to promote core values, including in relation to women's rights.

- Socio-economic factors need to be included in the analysis and creation of initiatives to improve the position of minority women (and men). For many women from minority communities, unemployment, poor housing and racial discrimination are as significant as violence – if not more so – in determining the quality of life.
- Diversity within religious and cultural groups needs to be recognised, including diversity on the basis of age, gender and geographical location. This will help to challenge stereotypes.
- Recognition and analysis of the key role of gender would be useful; and the fact that it is issues concerning gender roles that are the point at which minority and majority rights are often perceived to conflict.

## Introduction

4

As recently as the 1980s, women from minority religious and ethnic groups in Western European countries were not identified by policy-makers as a group in need of particular protection from specific forms of violence or abuse. They were more likely to be invisible as a target group and the specificity of their needs ignored. Today, most of the countries discussed in this report have laws, action plans and policies to tackle abuses experienced mainly by women and girls in immigrant, refugee or minority communities.<sup>i</sup> The same 'practices' have been identified as problematic across Europe – forced and arranged marriage, 'honour' based violence, female genital mutilation/cutting, and wearing a *hijab* or headscarf. These practices are commonly identified with Muslim religion, tradition, or culture, though instances of forced marriage or 'honour' based violence can be found across a wide range of religious and ethnic groups. While some of these practices are identifiable as forms of violence, it is also the case that language, dress and behaviour – once seen as private matters of choice – are now publicly contested.<sup>ii</sup>

The issues that have captured public attention vary considerably from country to country, reflecting in part the different philosophies of integration, and the history and politics of those countries, but also the 'accidents' of what catches media attention. But while both issues and policy responses vary between countries, most parts of contemporary Europe face some version of these concerns. Despite national differences, there is often a striking similarity in approaches, trends and concerns. And while there have been cross-country comparisons on specific 'practices'<sup>iii</sup>, we are not aware of any previous attempt to provide an overview of all these issues. Work on the relationship between gender equality and cultural diversity proceeds mainly at a country level, and language barriers mean that findings from one part of Europe are not easily available for researchers and policy makers in another. This report is a small step towards developing an overview and sharing experience.

The starting point of this project and report was summed up at the opening of a conference in Amsterdam in June 2006: Respecting women's rights need not mean disrespecting minority culture.<sup>iv</sup> The recent recognition by policy makers and legislators of the vulnerability of some women and girls in minority communities is a welcome development. At the same time, there are concerns about the kind of measures being adopted, the balance struck between enforcement and awareness-raising work, and the degree to which the individuals most directly affected by new initiatives are engaged in their formulation. Conference participants also drew attention to the way that a women's rights discourse has been exploited by some politicians and the media to stigmatise minority communities, painting them as particularly oppressive to women while ignoring the violence experienced by white European women.<sup>v</sup> Violence against majority women was not confronted for many years because it was seen as a purely domestic concern and not the business of the state. The same is true of violence against minority women, but in addition a concern to be culturally sensitive and avoid charges of racism may have resulted in minority communities being left to govern themselves, making women within them particularly vulnerable. Participants in the conference recognised the danger of perpetuating stereotypes of minority communities, but there was a consensus that the solution is not to avoid discussing issues such as forced marriage and female genital mutilation, but to do so in an inclusive way aimed at protecting but also consulting and empowering those involved.

## Background information

5

This report is the outcome of two conferences funded by the Nuffield Foundation in London in May 2005 and Amsterdam in June 2006. It builds on an earlier project and conference in October 2003 on 'Gender and Cultural Diversity: European Perspectives' (also funded by the Nuffield Foundation). Papers presented by participants from across Europe at the 2005 and 2006 conferences provide much of the source material for the report. The 2006 conference papers are listed as references and available online at [www.fsw.vu.nl](http://www.fsw.vu.nl) (see References below for details). It is intended that the conference papers will be presented in a special issue of a journal and/or book in 2008.

By comparing some of the initiatives of recent years, this report attempts to map recent trends in Europe, suggest which approaches have been more and less successful in addressing gender-based violence in minority communities, and identify common areas of unmet need. The report's main audience is UK policymakers working on these issues but it will be circulated more widely among women's NGOs, service providers and researchers in Europe. The intention is that it will contribute to future cross-European work. At the start of the project, there were few researchers addressing these issues across Europe countries; there is now greater evidence of collaboration.<sup>vi</sup>

## Acknowledgements

The project organisers thank the Nuffield Foundation for supporting this project. The main source of information and ideas for this report is the papers given by participants at the June 2006 conference in Amsterdam, but the author is responsible for the arguments and any inaccuracies in the report. The author also thanks Barry Dustin for providing additional source material, and translation.

This paper is written to inform UK policy, as well as cross-European initiatives. There are therefore significant multicultural issues in the countries discussed that are not mentioned, for example, the rights of Sami minorities in Norway and Sweden, because they do not have a direct correlation with UK experiences. There are also significant and relevant issues, such as polygamy<sup>vii</sup> and divorce,<sup>viii</sup> that are not covered because they relate primarily to jurisdiction rather than public policy and are beyond the scope of this report. These often concern the relationship between legal systems in the new or host country and the country of origin, where the risk is that women are unprotected under either system.

As an overview of developments in several countries, this report inevitably omits many of the variations that exist within each country on the basis of geography, age, politics etc. In Belgium, with its Flemish/Walloon division, and in countries with a federal political structure such as Belgium and Germany, it is particularly difficult to identify a single national perspective<sup>x</sup>. But no country has a single voice or view in relation to the issues discussed here. The premise of the report is that countries, and also minority communities within them, are heterogeneous and ever-changing 'units'.

## Context

6

The issues discussed in this report take place against the backdrop of post-9/11 heightened concerns about terrorism and Islamic fundamentalism, debates about the role of religion and the integration of Muslim minorities in Europe, a rapidly-expanding European Community, and the interplay between national sovereignty, European law and international human rights instruments. In recent years, several countries have also seen a swing to power from socialist or centrist to conservative or populist political parties and this has been reflected in an increasingly anti-immigration rhetoric. Some basic statistics on migrant and Muslim populations in each country is provided at Appendix 2. This conflates two groups of people – the first identified by their immigration status, the second by their religion, but including many who have full citizenship status. While the immigrant communities that are the focus of multicultural debate differ from one country to the next – predominantly North African in France, Turkish in Germany and Austria, Pakistani in the UK – it is increasingly Islamic values and beliefs that have been perceived as a threat to democracy and European stability, and practices identified with Islam that have been perceived as oppressive to women.\* This equation between Islam and women's oppression is problematic, as is the unfortunate slippage between categories like 'Muslim', ethnic minority, and 'immigrant' in political and media discourse. Many of those described as migrants have held full citizenship rights since birth; and the terminology of second or third generation migrants has been rightly criticised for the way it seems to problematise their citizenship. It has been difficult, however, to avoid entirely the blurring of identities in the report, particularly when it is both immigrants and Muslims that are currently seen as presenting a challenge to the fiction of a cohesive national identity.

Throughout Europe there has been a gradual tightening of immigration controls since the 1980s, and in particular since the 1985 Schengen Agreement harmonising border controls among European Union member states. The Treaty of Amsterdam in 1999 defined immigration as a competency of the European Union. In most countries, it is now the case that family reunification and asylum are the main means of entering the country and acquiring permanent residence status.<sup>xi</sup> While most countries have an ageing population and recognise the need for migrant labour to supplement the existing workforce, the issue for politicians has been how to control the entry of migrants to meet specific economic needs without appearing in the eyes of the media and public to have an 'open-door' policy. In many countries, immigration policy has become confused with race and refugee issues and is exploited by politicians in the run up to elections where a manifesto commitment to tighten immigration is seen as a vote-winner. It is commonly assumed or argued that strict immigration controls facilitate good race relations; that by keeping most immigrants out, the few that are admitted will be able to integrate more easily.<sup>xii</sup> Many countries have seen a succession of new immigration laws over a few years.<sup>xiii</sup> Some of the countries discussed have not traditionally considered themselves countries of immigration – until recently, this would include the Netherlands, Austria, and Germany. In those that have considered themselves countries of immigration, like the UK, there is a similar pattern to the restrictions on immigration. There are limits on all entrants other than family reunion cases, skilled workers and asylum seekers; and attempts to address 'abuses' of the family reunion and asylum systems.



### The role of cultural ‘insiders’ who become ‘outsiders’

While in general minority and Muslim women’s NGOs receive little credit for their work and little media attention, several individual women have taken a prominent role in drawing attention to the ‘plight’ of Muslim women in the communities from which they themselves come. For example, Ayaan Hirsi Ali in the Netherlands and Necla Kelek in Germany have received a great deal of press coverage and are recognised as having helped to raise awareness of prevalence of FGM, forced marriage and ‘honour’ killing. While it is clearly a good thing that women with direct experience play a role in raising awareness, they are sometimes supported by and provide credibility to those with an anti-immigration agenda and little track record on gender equality. Prins and Saharso point out that before Hirsi Ali’s intervention, the position of Muslim women was not a part of criticisms of multiculturalism or Islam. It was Ali who made ‘the fruitful connection between the Dutch populist discontent about the (implicitly male) Islamic immigrant population and the difficult position of Muslim women. It must be admitted that Hirsi Ali succeeded where many other feminist politicians (who have been attempting for years to get problems of immigrant women on the political and policy agenda) failed.’<sup>clxx</sup> Both Kelek and Hirsi Ali have been criticised for their stereotyping and stigmatising of Muslim (and in Kelek’s case Turkish and Kurdish) communities. As women who became prominent for addressing culturally sensitive issues, they are often portrayed as brave individuals who have dared to speak out against their communities. They are not portrayed as members of their communities who reflect the diversity of opinion within it or held up as examples of successful integration. Rather they are often viewed as women who are lucky to have escaped their oppressive backgrounds.<sup>clxxi</sup>

While multiculturalism, whether as a policy or simply a description of societies, was prevalent in Europe until the late 1990s, concerns about integration have meant the concept has been challenged. In most of the countries discussed here, there has been a new focus on integrative citizenship and what could be viewed as a shift back to assimilation. In some countries, it is suggested that multiculturalism has ‘failed’.<sup>xiv</sup> Policy makers, journalists and academics question the degree to which Muslim minorities in particular have integrated into mainstream society and share what are assumed to be widely accepted democratic and egalitarian values.<sup>xv</sup> Concerns about ‘parallel societies’ are evident in several countries, including Austria and Germany (‘Parallelgesellschaften’ is the German word for two culturally distinct populations living side by side without

mixing).<sup>xvi</sup> In the UK, the Cantle Report identified communities in which people live ‘parallel lives’ – occupying the same physical space as their neighbours but having little contact with wider society.<sup>xvii</sup>

Most countries have now introduced a language requirement or citizenship test as part of their settlement packages.<sup>xviii</sup> (In light of the concerns of this report, it is worth noting that the compulsory language classes are often defended in explicitly gendered terms, the argument being that they will be particularly valuable to older women who might otherwise remain in domestic seclusion and enforced dependence on male family members.) Sweden is to some degree an exception in retaining more liberal citizenship laws. While the early 1990s saw a shift away from multiculturalism towards integration, the Swedish Citizenship Act of 2001 introduced dual citizenship. Where most countries were looking for ways to encourage their minority citizens to identify first and foremost as European, Sweden introduced legislation allowing its nationals to split their allegiance.<sup>xix</sup> Denmark is at the opposite end of the spectrum in moving from a liberal to a conservative immigration regime in the space of a few years.<sup>xx</sup>

In most countries a shift has taken place. Up to the 1980s, multicultural rhetoric prevailed, including the belief that diversity was an inherently good thing and respect for different cultural and religious practices was desirable. That has been replaced by the recognition that difference can be problematic and attempts to find ways to promote shared values. This is particularly evident in the UK, where a Commission for Integration and Cohesion has been established to address issues including segregation and tensions between communities. Launching the Commission, the Minister responsible stated her belief that ‘we have moved from a period of uniform consensus on the value of multiculturalism, to one where we can encourage that debate [about who and what we are as a country] by questioning whether it is encouraging separateness’.<sup>xxi</sup> Other countries, such as the Netherlands and Denmark, have seen a sudden shift from a more tolerant, liberal immigration regime to a rejection of multiculturalism and focus on assimilation.<sup>xxii</sup> Meanwhile, in those that define themselves according to a discourse of universalism and equality (Sweden and France in very different ways), it may be difficult to construe ethnic and religious differences as anything but disadvantage or backwardness.

There is also a European and international dimension to these topics. All the states discussed here, with the exception of Norway, are members of the European Union. All are members of the Council of Europe and the United Nations. All have signed up to or are bound by international treaties or documents that affirm human rights such as the right of individuals to choose their spouse and the right to family reunion.<sup>xxiii</sup> There have been cross-European initiatives on forced marriage and ‘honour’ violence funded by the European Union and the Council of Europe.<sup>xxiv</sup> Decisions by the European Court of Human Rights have addressed the topics discussed here.<sup>xxv</sup> In the future, there may be an increasing number of perceived conflicts between different group rights, for example gender or gay rights and religious freedom, referred to the Court.

## Part 1: Legislative and policy initiatives

This section identifies specific ‘practices’ that have been subject to policy or legislative initiatives in recent years and the way that they have been addressed.

### Forced marriage

Forced (and sometimes arranged) marriage has been identified as a problem across Europe in the past two decades, and the ‘protection’ of young people from forced marriage has become closely intertwined with restrictive immigration policies. A forced marriage has been defined as ‘one where people are coerced into a marriage against their will and under duress’.<sup>xxvi</sup> However, a Council of Europe study defines it more broadly as:

‘[A]n umbrella term covering marriage as slavery, arranged marriage, traditional marriage, marriage for reasons of custom, expediency or perceived respectability, child marriage, early marriage, fictitious, bogus or sham marriage, marriage of convenience, unconsummated marriage, putative marriage, marriage to acquire nationality and undesirable marriage – in all of which the concept of consent to marriage is at issue’.<sup>xxvii</sup>

As this suggests, there is a lack of clarity about the precise target of forced marriage initiatives and the difference between forced and arranged marriages. Research among South Asian communities in North East England has shown that most people perceive a difference between the two, viewing arranged marriages as positive, but it also suggests some overlap between the two categories (as well as overlap with the notion of a love marriage).<sup>xxviii</sup> In the UK, the Government has been keen to stress that while forced marriage is a human rights abuse, arranged marriages in which both partners choose to participate are an accepted and acceptable cultural practice. The subject became topical because of the coincidence in 1999 of three high profile cases: the murder of Rukhsana Naz by her brother and mother after she left an arranged marriage and became pregnant by another man; the plight of ‘Jack and Zena Briggs’, forced into hiding by bounty-hunters employed by Zena’s family after she refused to marry a cousin in Pakistan; and the successful return to England of a young Sikh girl, KR, who was made a ward of court when her parents abducted her to India for the purposes of marriage. The total number of forced marriages remains unclear, though the number frequently cited is of 1,000 young people forced into unwanted marriages each year. Following the establishment in 1999 of a Working Group on Forced Marriage,<sup>xxix</sup> a Community Liaison Unit was set up in the Foreign and Commonwealth Office (FCO), charged with dealing with the so-called ‘overseas dimension’ of forced marriage. An initial criticism of the initiative was its location in the Foreign Office and emphasis on cases involving a foreign spouse. The danger was that cases of forced marriage involving two UK citizens and/or residents were ignored. The unit was recently re-launched as a joint Home Office/FCO unit but remains located in the Foreign Office rather than alongside the Home Office’s work on domestic violence.<sup>xxx</sup>

In contrast to the UK, Denmark’s 2003-2005 Action Plan targets ‘Forced, quasi-forced and arranged marriages’, all of which are identified with the oppression of women. The Plan contains 21 initiatives to ‘prevent forced marriages’ and ‘discourage

## Adam and Asmaa

In Denmark, the television chat show 'Adam and Asmaa' has been criticised because one of its hosts, Asmaa Abdol-Hamid, wears a headscarf. Vibeke Manniche, head of the Women for Freedom Association, has petitioned to have the programme taken off the air. 'The choice of Asmaa as a co-host is an insult to Danish and Muslim women,' said Manniche. 'She sends the message that an honorable woman can't go out unless she's covered up'.<sup>clxxii</sup>

unhappy family reunifications based on arranged marriages'.<sup>xxxii</sup> The Plan's main focus is prevention and awareness raising through information, dialogue and cooperation, counselling, providing residential facilities, and research. However, the failure to separate forced and arranged marriages is problematic in a number of ways. It ignores the diversity in forms of arranged marriage, it idealises 'normal' Danish families in an unrealistic way, and it ignores the complexity of generational and gender issues in minority families by simply ascribing all women as victims of their culture. Empirical work in Denmark suggests a more complex picture.<sup>xxxiii</sup>

There is disagreement in Europe as to whether the problem of forced marriage is increasing or has simply been hidden until recently.<sup>xxxiii</sup> Awareness of the problem has usually been a result of a combination of media reports and NGO activities. Writers from the Netherlands and Belgium have identified the way 'import brides' in these countries are confused with victims of forced marriage.<sup>xxxiv</sup> Sometimes sensational newspaper reports of particularly shocking cases – such as that of 'Jack and Zena Briggs' in Britain – have drawn attention to a problem that ethnic and religious minority women's organisations have been struggling for years to highlight. In Austria, attention was partly drawn to the issue by a television documentary by the Austrian Broadcasting Company in 2005 in which the NGO Orient Express showed forced marriage as a threat to young women of Turkish, Kurdish and/or Muslim backgrounds living in Austria. But it was also put on the agenda when Maria Rauch-Kallat, Secretary of State for Women's Affairs, announced it as a priority for Austria's EU presidency in 2006.<sup>xxxv</sup> In Germany, the 2005 book 'Die Fremde Braut' ('the Foreign/Alien Bride') by Necla Kelek is credited with bringing the issue into the open along with the 'honour' murder of a young woman with Kurdish family background in Berlin in February 2005, who had liberated herself from a forced marriage. The book was the cause of controversy, with critics of the way it stigmatised Islamic and Turkish communities writing an open letter to the German weekly newspaper 'Die Zeit' in 2006.<sup>xxxvi</sup> In Norway, a key event was the abduction of Nadia, a Norwegian national taken to Morocco in 1997 by her family to be forced into marriage (it was assumed).<sup>xxxvii</sup>

Several countries have introduced action plans or packages of initiatives to tackle the problem. Typically, these combine awareness-raising and educational measures (to reduce prevalence), services in terms of housing and social care (to help current victims), and punitive measures (to punish the perpetrators and send a clear message of unacceptability). As well as the UK and Denmark, Sweden and Norway both have action plans on forced



marriage. In Sweden, the emphasis is on prevention rather than enforcement and the plan targets the 'oppression of girls in patriarchal families' rather than specific practices.<sup>xxxviii</sup>

Norway's approach to forced marriage is also illustrative of a shifting climate. Its first Action Plan on Forced Marriages was published in December 1998 and was partly a response to the case of Nadia, as well as to NGO and media pressure. The plan discusses the difference between arranged and forced marriage and focuses on prevention and dialogue with relevant minority groups. It led to the establishment of a telephone helpline run by the Oslo Red Cross. The Plan was unusual in that there was no attempt to use legislation or harsher immigration regulations to tackle the problem. In fact it considers addressing forced marriage by relaxing immigration controls, for example, by offering victims continued residence after a marriage annulment.

Less than five years later, and after the murder in Sweden of Fadime Sahindal which had a huge impact in many Northern European Countries, the Norwegian Government published its 'Renewed Initiative against Forced Marriage' in 2002. This contained 30 new measures and though it continued to prioritise work with women's NGOs, there were also ten law-related actions. These included the right to institute legal proceedings to establish the validity of a marriage without the agreement of either spouse and an amendment to the Children's Act to invalidate child marriages contracted by parents. In 2003 the Penal Code was amended to include a specific subsection on forced marriage and a mandatory prosecution provision in cases of forced marriage, with or without the victim's consent (similar to the provision for domestic violence cases). In March 2004 it was announced that all would-be immigrants seeking residence in Norway would have to sign a declaration confirming that they understood that forced marriages and female circumcision were forbidden under Norwegian law.<sup>xxxix</sup>

Most countries do not have a specific crime of forcing someone into marriage. It is usually argued that this is unnecessary. According to all national laws and international treaties, marriage is based on individual consent, therefore a forced marriage is by definition invalid.<sup>xi</sup> Moreover, forcing somebody into marriage usually involves other criminal offences that can be used to convict the perpetrator, such as abduction, kidnapping, rape and various crimes of violence. However, there is evidence of a trend towards criminalization of forced marriage. The Council of Europe study 'Forced marriages in Council of Europe member states' recommends a specific offence of 'forced marriage'.<sup>xii</sup> Norway has specifically prohibited forced marriage through an amendment to the Penal Code.<sup>xiii</sup> In Austria, a new provision makes forcing somebody to marry a case of grievous compulsion punishable by up to five years imprisonment, and forced marriage is now a crime against personal autonomy, to be prosecuted by the state rather than at the request of the individual.<sup>xiiii</sup> In Germany, an amendment to the Criminal Code in 2005 defines forced marriage as a particularly serious case of duress with a sentence of up to five years.<sup>xlv</sup> The German Bundesrat (Federal Council) passed a bill in February 2006 making forced marriage a *sui generis* offence and allowing forced marriages to be more easily annulled – a measure yet to be approved by the German parliament.<sup>xlv</sup> In 2005, the French working group Femmes de l'Immigration proposed criminalisation of forced marriage.<sup>xlvi</sup>

A common problem with criminalisation is that it depends on affected parties bringing charges against their own families, which few wish to do. Regina Kalthegener from the German NGO Terre des Femmes has said she does not expect many complaints to be made.<sup>xlvii</sup> In the UK, a young woman who had been kidnapped said in court that she was now reconciled to her family and did not want her stepfather or his co-accused prosecuted.<sup>xlviii</sup>

The UK has recently debated taking the path of criminalisation. The government conducted a consultation exercise in 2006 to ask whether it should create a specific criminal offence of forcing someone into marriage.<sup>xlix</sup> A cross-section of women's groups led by Southall Black Sisters responded to the consultation in the negative, but within black and Asian women's organisations there is a diversity of views with some, like FORWARD, in favour of a specific law. While senior police officers initially supported a new law, the consultation response showed mixed views and the Government announced that it does not at present plan to introduce a new law.<sup>l</sup> Many women's groups, including those representing women from minorities, support calls on the Government to develop an integrated 'joined-up' strategy on violence against women.<sup>l</sup>

Some countries have gone further and criminalised marriages of convenience. In France as of November 2003, public prosecutors can investigate suspected cases of marriages of convenience.<sup>li</sup> The Belgian Marriages of Convenience Act of 1999 requires registrars to notify public prosecutors where there is doubt about a spouse's consent or the intention to live together as a married couple. In 2004, the Chamber of Representatives introduced a draft resolution to further prevent marriages of convenience through measures such as a database of cases.<sup>lii</sup> Austria fines spouses who marry without intending to live together as a married couple or with knowledge that the foreign partner's objective is to gain citizenship. A law has been proposed at national level in Belgium making bogus marriage punishable by taking away nationality for those who have become Belgian through marriage.

### **Family reunification, residency and citizenship**

Immigration law does not only provide the context for the 'problems' discussed in this report, it is also a means of addressing them through changes to the regulations on family reunification,<sup>liii</sup> residency and citizenship. While the European Union's Family Reunification Directive entitles third country nationals with a minimum of a one-year residence permit to reunion with spouses and children, Denmark, the UK and Ireland have opted out of the Directive. Denmark's Alien's Act of 2000 removed family reunification as a right and each case is now assessed on an individual basis. The age bar for individuals who wish to be joined by spouses from abroad has been raised to 24 (the legal age of marriage in Denmark is 18, or 16 with a letter of approval from the Queen). In addition, a new rule means that permission will not be given if there is doubt that one or both parties consented to the marriage. The Danish spouse must also have accommodation, there is a financial threshold, and both partners must have closer ties with Denmark than with any other country and cannot be cousins.

Denmark's initiative has been criticised internally and internationally, including by CEDAW (The Committee on the Elimination of Discrimination Against Women), which has 'urged Denmark to consider revoking this legislation', and nationally by the Danish Institute for Human Rights as likely to lead to violations of the right to family life.<sup>lv</sup> It has been viewed as a reversal of the normal burden of proof in that spouses have to demonstrate their marriage is freely contracted.<sup>lvi</sup> The strategy can also be criticised because it unfairly discriminates against minority groups by effectively imposing a higher age for marriage with the spouse of their choice than applies to the majority of the population. And it gives rise to concerns that the main motive – rather than a by-product of the initiative – is reducing immigration through family reunion. It may also be believed to enhance integration based on the belief that 'import brides' obstruct this process.

Despite these arguments, while Denmark's age limit of 24 is the extreme, other countries have followed suit. The UK has raised the age limit for sponsoring a spouse's entry to 18<sup>lvii</sup> (The Member of Parliament Ann Cryer who instigated the change has argued that the limit should be raised further to 21), while 16 is the age at which individuals can normally marry with parental permission. In Norway, as of 2003, a citizen bringing a foreign spouse into the country must demonstrate that s/he can provide for him/her where one of them is under the age of 23. The government consultation document recognised that the policy could have the alternative effect to that intended in leading to girls being taken out of school to earn money to finance their husbands' entry, but ultimately rejected this argument.<sup>lviii</sup> The Netherlands has increased the age at which a Dutch resident or citizen can bring in a foreign partner from 18 to 21 and there are also financial requirements.<sup>lix</sup> In January 2006, the German Home Office initiated reforms of the migration law to implement European Union directives concerning right of residence and asylum law. The draft bill includes the requirement for foreign brides (from outside the European Union) to learn German before their arrival and bars entry to those under 21.<sup>lx</sup> In June 2006 the Commission for Family, Seniors, Women and Youth of the German parliament organised a hearing on a draft bill making forced marriage an element of an offence sui generis. Necla Kelek, in her expert's report provided for the hearing, also supported the government's plans to increase the age of marriage to a foreign partner.<sup>lxi</sup> There are concerns about the discriminatory effect of this age regulation and its constitutionality.<sup>lxii</sup>

The argument usually given for this policy is that raising the age at which a European national can sponsor the entry of a spouse makes it easier for the young people concerned to withstand parental pressure and reject an unwanted marriage. It is also assumed that forced marriages often take place between girls/women from minority communities with European nationality and partners from the girls' country of origin in order for the husband to acquire European nationality and circumvent immigration laws. The implication is that marriages between a European national and a non-national may not be 'genuine' and may involve violence against women. Denmark's forced marriage action plan states that over half the women from non-Danish backgrounds who contact crisis centres are family reunification immigrants.<sup>lxiii</sup>

There is no evidence that this strategy works because these policies are fairly recent and because of the difficulty of measuring the number of forced marriages that

have *not* taken place. But it has been claimed that the policy is not effective in preventing forced marriages.<sup>lxiv</sup> And it has been suggested that raising the age limit for sponsorship could have a negative outcome in encouraging parents to send underage girls abroad to be married and return to Europe with their spouse when they are old enough, thereby putting them out of reach of educational and social services and at greater risk of harm.<sup>lxv</sup> By the time they return to Europe, they may have spent several years in an unwelcome marriage.<sup>lxvi</sup>

A further immigration issue that mainly affects women – this time from the opposite perspective, where the woman is the sponsored party or ‘import bride’ – is the time that a couple have to live together before the sponsored party has independent residency or citizenship rights. In many countries, NGOs have pointed out that women who are dependent on their husbands for their immigration status are particularly vulnerable to violence and will find it difficult to leave while they are unable to stay in the country in their own right.

In Britain, the newly elected Labour Government abolished the much-criticised Primary Purpose Rule in 1997. This had required those applying for entry clearance for an overseas fiancé(e) or spouse to prove that the primary purpose of the intended marriage was not to obtain permission to enter the UK. There is no known ‘primary purpose’ case involving two white spouses, and the rule was widely perceived as racist. However, it is now the case that women joining a spouse from overseas must live in the UK for at least two years before becoming eligible to remain in their own right, making it difficult for them to leave a violent relationship or indeed a forced marriage. A ‘domestic violence concession’ grants Indefinite Leave to Remain to a woman who can prove the breakdown of her marriage through violence, but the standard of proof is high and women applying under this concession still have no recourse to public funds until their immigration status is resolved, and may well have no-one to turn to for help with temporary accommodation or financial or emotional support. Women’s organisations argue that the concession has had limited success.<sup>lxvii</sup>

A similar situation exists elsewhere: migrants entering Austria under family reunion – mainly women – are only entitled to an independent residence permit after five years’ stay. Foreign wives whose husbands die or who are divorced, where the sponsoring spouse is found predominantly guilty of the marriage’s failure, do not lose their residence permit. There is also a concession for victims of domestic violence.<sup>lxviii</sup> In the Netherlands there is a three-year waiting period before a foreign spouse can acquire independent residence status.<sup>lxix</sup> In Germany and Sweden the period is two years and there is a concession for victims of domestic violence. In Norway, it is possible to apply for permanent residence after three years, with an exception of one year for women who are victims of spousal violence.<sup>lxx</sup> While many countries therefore have exemptions for victims of domestic violence, it is often difficult to meet the required standard of proof and women may be unaware of the concession.

While most packages or plans to protect women abused through marriage include education, information and dialogue, these have not had a high profile. Changes to immigration rules are at the forefront of most countries’ strategies risking a lack of clarity about the true purpose of these initiatives. While protecting victims of forced marriage may be the stated aim, reducing family reunification entries often appears to



be a welcome side effect. The impression given by the focus on immigration or ‘the overseas dimension’ can be that the main aim of these initiatives is a reduction in the incidence of transnational marriages or even of transnational identities.<sup>lxxi</sup>

## ‘Honour’

‘Honour’-related violence, crimes committed in the name of honour, or ‘honour’ crimes have been defined in various ways but usually as a broad category of crimes of violence committed against women and girls (and sometimes men and boys). An ‘honour’ crime tends to be differentiated from other forms of domestic violence or killing on the grounds that it involves a premeditated act to restore family honour, and that the perpetrators may be fathers or cousins or uncles, rather than partners or husbands.<sup>lxxii</sup> Along with forced marriage, there has been much discussion of ‘honour’ violence across Europe. In fact forced marriage (and sometimes female genital mutilation/cutting) is often discussed as a subcategory within ‘honour crimes’. Austria for example, has launched a Network against Harmful Traditions (NAHT) that encompasses ‘honour’ crimes, forced marriage and female genital mutilation (FGM).<sup>lxxiii</sup> It is therefore not always easy to separate initiatives on ‘honour’ from those on forced marriage and FGM. This section focuses on ‘honour’ killings and abductions as forced marriage has been discussed above and FGM is considered below.

In contrast to ‘crimes of passion’ – and they often are contrasted – committed by an individual man on the spur of the moment usually in the face of rejection by a woman, ‘honour’ crimes are typically portrayed by observers and perpetrators as committed with premeditation and with the support of the community. Where ‘passion’ is often seen as a mitigating factor in women’s murders – in the UK, for example, it can lead to the lighter sentence of manslaughter on the basis of provocation – ‘honour’ has rarely been seen as a valid excuse in European courts. While feminists in North America have expressed concern at the successful deployment of a ‘cultural defence’ to defend men from minority communities who kill women,<sup>lxxiv</sup> this is not a phenomenon that has occurred on any scale in Europe. A greater concern is the possibility of a double standard that distinguishes white and European ‘crimes of passion’ from Muslim, Asian or Middle-Eastern ‘crimes of honour’, with passion treated as a mitigating and honour as an aggravating factor.

As with forced marriage, ‘honour’ related violence often comes to light when one or several shocking crimes are highlighted in the media, acting as a national ‘wake-up’ call in exposing a hitherto unacknowledged form of violence or killing. This was the case in Sweden, which has been at the forefront of work in this area. In the 1990s, three ‘honour’ killings of girls or women of Kurdish origin in Sweden ‘touched a nerve’<sup>lxxv</sup> in society and caused Sweden to lead the way in initiatives in this area, including at European level.<sup>lxxvi</sup> Sara Maisam Abed Ali was murdered by her teenage brother and cousin in 1998, Pela Atroshi was murdered in Iraq by her father and three uncles in 2002, Fadime Sahindal was killed by her father in 2002 when she refused to marry the man chosen for her. She had previously brought charges of threatening behaviour against her father and brother. Fadime’s murder, in particular, introduced the concept of ‘honour killings’ to Sweden and she became a symbol of resistance to traditional patriarchal culture.<sup>lxxvii</sup> The murders were seen as evidence of the failure of integration

policies and also as damaging to Sweden's image of itself. They have been perceived as a 'blight, an intolerable occurrence in a country ranked as the most gender equal in the world by UN measures and in a country in which feminists in government envisioned themselves as the vanguard of women's emancipation'.<sup>lxxxviii</sup> Two days after Fadime's murder, a parliamentary session debated integration. A unanimously agreed protocol was issued stating that culture and religion never excuse honour related violence. A budget of 180 million SEK has been allocated for preventative and educational measures, including school programmes. In November 2003, the Swedish Minister of Democracy and Integration Issues convened an expert meeting on violence committed in the name of honour; a police expert on 'honour'-related violence was appointed in 2002 (now withdrawn); and there has been a move towards harsher sentencing, including for crimes committed abroad.

Sweden has been the base for a cross-European project on 'Honour-Related Violence' initiated by an NGO called Kvinnoforum with support from the European Union (Daphne Project), based on the creation of a knowledge base and sharing of good practice. An international conference was held in Stockholm in 2004, culminating in 'The Stockholm Declaration to combat honour related violence in Europe'.

In Germany, it was also the coincidence of several cases that raised public concern, with six in Berlin in the period October 2004-February 2005. The last of these was particularly significant in raising public awareness: Hatun Sürücü, of Turkish/Kurdish origin, divorced the cousin she was forced to marry at 16 and was reportedly dating a German man when she was murdered at the age of 23 by her brother. What particularly shocked the public, however, were the reports of male students at a local school who commented that 'she deserved what she got – the whore lived like a German' and 'she only had herself to blame'.<sup>lxxxix</sup> Germany is one of the few countries where there have been concerns that a cultural relativist position has led to milder sentences for 'honour' killings than for other murders. In the Sürücü case, two of the three brothers accused were found not guilty and Seyran Ates, a Turkish-German lawyer and activist, expressed concern that a negative message was being sent to women experiencing similar family violence.<sup>lxxx</sup> However, in the past two years, the more common legal position has been that the perpetrator's cultural background is not deemed relevant to the case.<sup>lxxxi</sup>

Government and non-state actors in other countries have also identified 'honour' violence as a new problem that needs to be addressed. In 2004, the Netherlands NGO TransAct began a 'National Platform Against Honour Related Violence' to exchange information and expertise and develop collaboration. Members of the Platform meet three times a year and come from both the statutory and voluntary sector. In 2005, the Dutch cabinet designated 'honour related violence' as a 'large project' with the cabinet required to report periodically to the Chamber on progress in tackling it.<sup>lxxxii</sup> In the UK until recently, the main Government initiative was on forced marriage, with most work on 'honour' violence carried out by academics and NGOs<sup>lxxxiii</sup> but the Metropolitan Police has now taken the lead in this area. The immediate catalyst for this work was extensive media coverage in 2002 of the murder of a 16-year-old Turkish Kurdish girl, Heshu Yones, killed by her father after he learnt of her affair with a Lebanese Christian man. Sentencing the father to life imprisonment, the judge

### **‘Honour is to fight for my sister’s freedom’**

In Germany, postcard campaigns by activists and NGOs have been used to highlight forced marriage and ‘honour’ killings. Two young Berlin Turkish boys had themselves photographed for the campaign under the slogan ‘Honour is to fight for my sister’s freedom’. 20,000 postcards were printed and circulated at the beginning of 2005. In future postcards will also be printed in Arabic and Turkish and distributed selectively in male domains such as cafes and sports clubs. A poster campaign is also planned. The boys have been applauded as everyday heroes by one newspaper. In the summer of 2005, Inssan, a Muslim cultural association, also started a postcard campaign against forced marriages, distributing 4,000 postcards to mosques, town halls, adult education centres and cafes.

described the case as ‘a tragic story arising out of irreconcilable cultural differences between traditional Kurdish values and the values of western society’.<sup>lxxxiv</sup> Other cases include that of Anita Gindha, who was found strangled in 2003, and Sahda Bibi who died of stab wounds on her wedding day in 2003, both widely reported in the newspapers as ‘honour crimes’, helping to make this a newly visible form of violent crime.

In the last two years, ‘honour-based violence’ has become a new focus of police activity in Britain, and initiatives to tackle forced marriage, and to a lesser degree FGM, have been increasingly incorporated under this broader heading. In January 2003, following pressure from women’s organisations, and a Metropolitan Police Service (MPS) report on domestic violence that identified ‘honour killings’ as an important area for future work, the MPS set up the Strategic Homicide Prevention Working Group on ‘Honour Killings’ covering London. A second, national group is now developing a training package for all police forces in the country.<sup>lxxxv</sup> In June 2004, it was announced that Scotland Yard detectives are re-examining 109 possible ‘honour’-related killings, many involving women from South Asian communities killed between 1993-2003. Many of these cases have already been ‘solved’ and one of the purposes is to look at these crimes afresh to identify common features of ‘honour’ crimes in order to prevent future murders.

Strategies to tackle ‘honour’ crime (like forced marriage, which the category ‘honour’ often includes) consist of both preventative and punitive measures, with recognition that awareness-raising in the communities concerned must play a key role. There has been no suggestion in any of the countries discussed here that ‘honour’ crimes be made a specific category within the legal system. In policy terms however, they tend to be treated apart from ‘mainstream’ violence against women. One problem is definitions of domestic violence, which traditionally focus on partners and ex-partners, while ‘honour’ killings are often committed by male (and sometimes female) relatives. In Belgium, for example, the current National Action Plan against Partner Violence (2004-2007) focuses solely on partner and ex-partner violence and in fact uses a

narrower frame of reference than the previous plan.<sup>lxxxvi</sup> In the UK, many women's NGOs use the acronym VAW (Violence Against Women) rather than domestic violence, as a term that can better encompass the range of violence that women from majority and minority communities experience.<sup>lxxxvii</sup>

## Female genital mutilation/cutting

Female genital mutilation (FGM), female genital cutting (FGC) and female circumcision are the terms used to describe the cutting, alteration or removal of part of a woman's or girl's genitalia for non-therapeutic reasons. Most definitions also include the fact that it is a 'traditional' practice or done for 'cultural' reasons. While it has been described as a religious and more specifically an Islamic practice, commentators are keen to point out that it is not a requirement of any of the major world religions, and not practised in most of the Muslim world. Material on FGM/C often starts with a definition of the kinds of surgery that are carried out, usually using a typology of different procedures based on that given by the World Health Organisation:

- Type I – excision of the prepuce, with or without excision of part or all of the clitoris;
- Type II – excision of the clitoris with partial or total excision of the labia minora;
- Type III – excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening (infibulation);
- Type IV – pricking, piercing or incising of the clitoris and/or labia; stretching of the clitoris and/or labia; cauterization by burning of the clitoris and surrounding tissue;
- scraping of tissue surrounding the vaginal orifice (angurya cuts) or cutting of the vagina (gishiri cuts);
- introduction of corrosive substances or herbs into the vagina to cause bleeding or for the purpose of tightening or narrowing it; and any other procedure that falls under the definition given above.<sup>lxxxviii</sup>

While the practice is recognised as existing in Western European countries as a result of the arrival of immigrant and refugee communities from countries where FGM/C takes place, the level of prevalence in Europe is not known. Although NGOs such as FORWARD in the UK and GAMS in France have worked on the issue for many years, the subject has not had as high a profile as 'honour' killings and forced marriage. This is no doubt partly due to the difficulty in identifying cases and the related lack of media reports.

Several countries have laws specifically outlawing FGM: Sweden (1982 legislation), Norway (1998), the UK (1985 and 2003) and Belgium (2000). Sweden's Act against Female Mutilation includes the prosecution of parents taking their children abroad to be circumcised. In July 2006 a Somali father was jailed for four years for forcing his 13-year-old daughter to be circumcised during a visit to Somalia in 2001. This was the first prosecution in Sweden since the 1982 legislation and was a result of an amendment to the law in 1999 to allow prosecution of parents for taking their children abroad to be circumcised. In Norway, an additional act was added to the General Civil Penal Code in 1995, again covering Norwegian citizens and residents taken abroad for circumcision.<sup>lxxxix</sup> The Act was followed by a 'Governmental Action Plan Against Female Genital Mutilation for 2001-2003' by the Ministry of Children and Family



Affairs.<sup>xc</sup> In the UK, the 1985 Female Circumcision Act was replaced by the 2003 Female Genital Mutilation Act which had two main aims: to replace the term 'circumcision' with 'mutilation', stressing the harmful nature of the practice; and to make the practice illegal even when carried out overseas.<sup>xcj</sup> In the UK and Belgium, despite new legislation, there have been no prosecutions for FGM/C.

Elsewhere it has been argued that there is no need for specific legislation as FGM/C is covered in the general criminal code. For example, in Austria, the Secretary of State for Justice stated in 1996 that there was no need to criminalise FGM as it was punishable as 'physical injury with grievous lasting consequences'. But after further parliamentary interventions the penal code was amended to make consent to genital mutilation irrelevant (excluding male circumcision, genital piercing or transsexual and intersexual cases).<sup>xcii</sup>

Recognising the difficulty of identification and prosecution of cases, the focus in most countries has been on providing information and education, and often as part of wider work on violence against women and girls in minority communities. FGM/C in Austria has been addressed as part of an initiative to combat 'harmful traditions' which focuses on forced marriage, FGM and 'honour'-based violence. As part of this initiative an expert meeting on FGM was held in November 2005, a study has been commissioned, and there has been a recommendation that information about FGM is included in the curricula for the training of gynaecologists and paediatricians.<sup>xciii</sup> In 2005, women from all parties introduced a parliamentary petition for resolution including the establishment of an International Commemoration Day on 'this unimaginably cruel ritual'.<sup>xciv</sup>

In the Netherlands, FGM/C was put on the political agenda by the Dutch-Somali

### **Ayaan Hirsi Ali's impact on Dutch politics**

Dutch-Somali Ayaan Hirsi Ali was elected as Member of Parliament for the Liberal Conservative party (VVD) in 2003. She is known for her criticisms of Islam as oppressive to woman and has raised issues including forced marriage and female genital mutilation – where she suggested yearly medical checks on girls from high-risk communities as a means of tackling the problem. In the summer of 2004 she made a short film with filmmaker Theo Van Gogh, 'Submission I', denouncing sexual violence against Muslim women and showing lines from the Koran inscribed on a woman's body. The film was viewed as blasphemous by some Muslims, Van Gogh was assassinated in November 2004 and Hirsi Ali went into hiding. In 2006 she stepped down as Member of Parliament when charges that she had lied to acquire Dutch citizenship were publicised. The irony of Hirsi Ali falling foul of the strict immigration and asylum rules she supported has been noted. She subsequently moved to the United States of America. Her attacks on Islam won her support from conservatives but alienated her from less well-known Dutch Muslim women.

politician Ayaan Hirsi Ali. The Government developed a policy plan in 2005 and a broad range of measures from prevention to prosecution is being pursued, with yearly cabinet reports on progress. FGM is a penal offence subject to a maximum of four years' imprisonment. However, there have been no prosecutions of perpetrators, one reason being that if the circumcision takes place in a country where it is not illegal – such as Somalia – then it is not currently punishable in Holland. Hirsi Ali suggested compulsory yearly medical checks on girls from high-risk groups with severe punishment for parents who refused to cooperate but this kind of drastic measure has been rejected in favour of prevention through education and awareness-raising.<sup>xv</sup>

The situation in the Netherlands is common: regardless of whether there is a specific law on FGM or it falls under the general criminal code, prosecutions have been rare, suggesting that specific legislation has a largely symbolic purpose. The exception is France, which has prosecuted both parents and exiceuses (circumcisers) under the general penal code for the past two decades. France's willingness to prosecute dates back to 1979, when an exiceuse of a three-year old girl was given a one-year suspended sentence. At the time, FGM was not considered a criminal offence. In 1983, following the death a year earlier of a young girl who suffered a haemorrhage following circumcision, the Court of Final Appeal defined removal of the clitoris as a crime of violence under the penal code. The greatest media attention was given to two cases in 1991 involving the same exiceuse – Keita – and the parents of the children involved.<sup>xvi</sup> There have been at least 36 lawsuits for excision since 1979, involving more than 80 young girls of whom four died, according to a study by the Commission Nationale Consultative des Droits de l'Homme (CNCDH) in 2004.

Efforts to tackle FGM/C are even more hampered by a lack of data than policies on 'honour crimes' and forced marriages. Marriages, violent crimes and murders are at least recorded. Short of following Hirsi Ali's racially discriminatory suggestion, it is difficult to know how one would measure prevalence or the success of work to prevent new cases of FGM/C. Despite the fact that France has been penalising perpetrators for a quarter of a century, the French CNCDH 2004 study suggests that much work remains to be done.<sup>xvii</sup> In the UK, the figure cited most often is FORWARD's estimate that approximately 74,000 women in the UK have undergone the operation, with at least 7,000 girls at risk of it. Organisations in the UK claim that despite the new legislation, many practicing communities remain unaware that FGM is illegal.<sup>xviii</sup> The obstacles to successful prosecution suggest that more than in other areas, the focus here should be on education and prevention rather than enforcement. Yet governments often opt for new laws as a relatively cheap and high-profile way of showing commitment to tackling an issue: in 2000, in the UK, The All Party Parliamentary Group (APPG) on Population, Development and Reproductive Health made 47 recommendations for action on FGM, only two of which related to new legislation, yet the most visible outcome of the APPG's work is the 2003 Female Genital Mutilation Act.<sup>xix</sup>

## Dress

The ‘practices’ discussed above are better defined as abuses of women’s rights and forms of violence which few from either majority or minority communities attempt to defend. A different kind of ‘practice’ that has caused controversy in many European countries is wearing a *hijab*, *niqab*, *burka* and *jiljab* – forms of dress worn by some Muslim women. It is important to put this in a different category to ‘honour’ crimes, forced marriages and genital mutilations. There is no physical violence involved, in fact if there is an abuse of women’s rights it could be argued that the denial of the right to wear a headscarf is itself a human rights abuse and a denial of freedom or equal opportunity. In France, for example, the headscarf ban has resulted in the exclusion from schools of some girls, seriously harming their educational opportunities. Here the issues are gender equality, state neutrality and religious freedom. But while the topic is usually portrayed as a discrete one of religious freedom versus state neutrality and gender equality, the right of Muslim women and girls to wear a *hijab* etc is contested in different scenarios. Different questions arise depending on whether one is talking about schoolgirls, teachers and other public servants or state representatives, or employees in general.

The subject has been debated with most heat in France, where a law now bans the wearing of ‘ostentatious religious symbols’ in schools. The controversy began in 1989 when three schoolgirls were excluded from a school in Creil (outside Paris) because of their refusal to remove their ‘scarves’ (the term originally used, later replaced by references to the veil and the *hijab*). In 1990 the Conseil d’Etat determined that the ‘scarf’ did not necessarily conflict with French *laïcité* and it was up to individual schools to determine dress codes (children in French state schools do not wear uniforms). In 1996 the issue arose again with the expulsion of girls wearing headscarves from a public school and the publication of guidance reinforcing the Conseil d’Etat opinion that the issue should be managed by teachers at a local level. However, in 2003, the report of the Stasi Commission on *laïcité* was published recommending a new law which was eventually passed in 2004.<sup>ci</sup> The Commission has been criticised in that no *hijab*-wearing women testified before it, compromising the degree to which the new law can be said to be based on full consultation. The main purpose of the law is to reaffirm the neutrality of education by forbidding all manifestations of religious or political allegiance in primary and secondary schools. A list of the discrete religious symbols that pupils may wear includes small crosses, Stars of David and Hands of Fatima. The main target is clearly the *hijab* and the perceived religious fundamentalist control of young girls and women, believed to be pressurised into wearing the *hijab* by parents, brothers and members of their community.<sup>cii</sup> Men wearing the Jewish *Kippa* or Sikh turban are also affected but have been described as ‘collateral damage’<sup>ciii</sup> – these garments have never been controversial in the same way as the *hijab*.

Opinion polls suggest a majority of the population support the new law, with a January 2004 survey for Agence France-Presse showing 78 per cent of teachers in favour. Muslim organisations on the whole took a non-confrontational approach, advising girls to wear fashionable bandanas to circumvent the law.<sup>civ</sup> But feminists and women’s NGOs in France have been deeply divided by the new law – and not simply

along religious or ethnic lines. The respected feminist Christine Delphy has supported the ‘veiled women’ and challenged the assumption that the *hijab* can only be a symbol of female oppression and that young women wearing it are objects of manipulation. On the other hand, one of the most controversial organisations to emerge from the *banlieues*<sup>cv</sup> is Ni Putes Ni Soumises (‘neither whores nor submissive’) established by Fadela Amara in 2003. Amara was a witness before the Stasi Commission, where she argued that ‘there are unhappily more and more young women who wear the veil. I say unhappily because it is before anything else a tool for oppressing’<sup>cvi</sup>. And many, if not most, French women’s organisations supported the prohibition, including some representing women from an immigrant background.<sup>cvi</sup>

While in the early days of the law, many schoolgirls defied the ban, a year after the act was passed, only a handful of girls remained excluded from public schools because of the law.<sup>cvi</sup> In September 2005, ‘Le Monde’ reported that only 12 students showed up with distinctive religious signs in the first week of classes, compared to 639 in the preceding year. It has, however, been reported that a number of students chose to study by distance learning and some have sought refuge at Belgian public schools.<sup>cix</sup>

In France, the *hijab* controversy reflects the significance attached to *laïcité* and citizenship and the role of education in transmitting both,<sup>cx</sup> explaining why the focus has been on public schools. In the UK, decisions on school dress codes are commonly left to each school’s governing body; and the absence of any strong secular discourse regarding the separation of church and state means there is no obvious parallel to the French debates on *laïcité*.<sup>cx</sup> The one significant case arose when a Muslim schoolgirl pursued a legal case against her secondary school, on the grounds that it had unlawfully denied her freedom to manifest her religion when she was told she could not attend school wearing a *jilbab*.<sup>cxii</sup> The girl lost nearly two years’ schooling before being accepted at another school. In the last of three cases dealing with this and heard in 2006, the House of Lords concluded that there had been no interference with the claimant’s rights to manifest her beliefs in practice (because there was nothing to stop her going to an alternative school); and, in a minority judgment, that there had been interference with her right to manifest her beliefs, but that this interference was objectively justified. As in France, there was concern that the girl in question was not exercising free choice but was under pressure from family or the community, although this was denied.<sup>cxiii</sup>

In Germany, where religious freedom is guaranteed under the constitution, Muslim women’s dress has been debated in different contexts and in several legal cases. The case with most implications is that of Fereshta Ludin, who was rejected when she applied to be an elementary school teacher in Baden-Württemberg and refused to take off her headscarf. In 2003, the Federal Constitutional Court found that there was no legal basis for refusing to employ her because of her headscarf, but that German federal states should be entitled to decide what religious garments and symbols were appropriate for public servants.<sup>cxiv</sup> (In Germany, education is part of the remit of the federal states while the general rules governing civil servants’ behaviour is within the competence of the Union.) As a consequence of the Federal Constitutional Court ruling, seven federal states have now passed acts preventing teachers in public schools wearing headscarves, with some states – Berlin and Hessen – expanding the order



to other areas of the civil service such as policewomen and court officials. And the regulations in four states provide an exception for the 'exhibition of Christian and Occidental educational and cultural values and traditions' leading to charges that a double standard is being deployed.<sup>cxv</sup> One argument made by the Minister of cultural affairs in Baden-Württemberg was that nun's attire should be exempted from the ban on religious attire because it is a form of 'professional' rather than 'religious' clothing.

cxvi

The debate and law in France was a catalyst for similar debates across Europe. Following the introduction of the French law in 2004, senators of the Walloon socialist and liberal parties in Belgium proposed a ban on the headscarf in schools and public services, though this was not adopted.<sup>cxvii</sup> However, by the end of 2004, the majority of schools had reportedly prohibited headscarves.<sup>cxviii</sup> A parliamentary debate took place in Denmark in May 2004, when the Danish People's Party proposed a prohibition on 'culturally specific' headgear with an exemption for expressions of Christian-Jewish culture.

It has been argued that visible manifestations of religion are particularly incompatible with the positions of teacher, judge and policewoman, where the office-holder is a representative of a religiously neutral state. In the Netherlands, the 2001 case of a law student who was not hired as court clerk because she refused to take off her scarf during court sessions caused disagreement, with the Commission of Equal Treatment supporting the right to wear a scarf, but the Minister of Justice and the National Board for Jurisdiction taking the view that religious symbols should not be allowed in the courtroom.

cxix

### **Pim Fortuyn and Dutch 'New realism'**

Former sociology professor, Pim Fortuyn formed his own party in 2002 called Lijst Pim Fortuyn (List Pim Fortuyn or LPF). He famously described Islam as a 'backward culture' and claimed Holland was a 'full country'. Fortuyn was assassinated during the 2002 Dutch national election campaign by an animal rights activist. Since then, the Netherlands has been governed by conservative-neo-liberal parties and multiculturalism has been challenged by what has been defined as 'the New Realism'.<sup>clxxiii</sup> This philosophy emphasises the need to listen to working class, autochthonous people who are in touch with reality; to 'speak out' and 'face facts' which the political establishment keep hidden; to affirm national identity and the values of Western civilization over those of Islam. And the 'New Realist' discourse is highly gendered: while Western values are seen as challenging the traditional privileges and abuses of Muslim men, Muslim women are seen as having an obvious interest in integration and conversion to Western values.

In Austria, the right of schoolgirls and teachers to wear a *hijab* to school is recognised and it has been argued that schools should reflect social reality in all its pluralism, which includes Muslim women wearing the *hijab*. Despite this, Secretary of State for Domestic Affairs Liese Prokop is on record as stating that while respecting freedom of religious practice, she has a problem with public school teachers wearing headscarves and is in favour of a ban. However, there has been only one case in which a Linz school's decision to ban all forms of head covering was overturned by the regional school inspectorate.<sup>cxix</sup> And the education ministry issued a statement in 2004 declaring that any restriction on wearing the headscarf would be contrary to constitutionally guaranteed freedom of religion.<sup>cxxi</sup>

Employment discrimination cases have been more straightforward. The European Union Employment Directive of 2000 prevents discrimination in employment on various grounds, including religion, and many countries have their own guarantees of religious freedom. In most employment disputes, the religious freedom of individual employees has been upheld, sometimes on the grounds of gender equality, demonstrating the intersection of gender and religious claims. In two cases in Norway, for example, an employer argued that wearing a *hijab* was incompatible with its uniform code but the Ombud reasoned that as many Muslim women wear the *hijab* for religious reasons, a seemingly gender-neutral uniform code could in fact constitute gender discrimination. *Hijab* bans have been ruled in violation of Norway's Gender Equality Act.<sup>cxxii</sup> In Sweden, Germany and the Netherlands, there has also been a tendency to rule against prohibition.<sup>cxxiii</sup>

A distinction is often made between wearing a *hijab* – seen as an acceptable manifestation of religious freedom – and wearing a *niqab* or *burka* – seen as inhibiting communication, in particular between teachers and pupils. In Sweden, all parties take the official view that headscarves should be allowed but two Somali girls in Gothenburg were not allowed to attend school wearing a *burka*.<sup>cxxiv</sup> Sweden's National Agency for Education has stated that veils such as the *burka* may be banned in public schools 'to ensure smooth interaction between teachers and students'. The Integration Minister added that in an open society it is essential 'to see each other's faces'.<sup>cxxv</sup>

In Germany, two school girls in the Bert-Brecht High school in Bonn were excluded for wearing a *burka* in 2006 on the grounds that it prohibits identification and face-to-face communication. In Italy, the Northern League has campaigned against the *burka* and a woman was fined for wearing it under fascist-era legislation banning wearing masks in public.<sup>cxxvi</sup> In Norway in 2005, two secondary school girls arrived at school in Oslo wearing a *niqab* against the wishes of the school authorities. The Islamic Council in Norway, an umbrella body, demanded to be part of a dialogue to reach a solution but the conflict remains unresolved.<sup>cxxvii</sup> In 2003, when four students appeared at their Amsterdam school in a *niqab*, the Commission for Equal Treatment ruled that the school had not violated anti-discrimination law in disallowing this. The need for communication was judged to take precedence over religious freedom. And the ruling was used by other schools to adjust their regulations. In 2005, the conservative Dutch Member of Parliament Geeret Wilders proposed a ban on the *niqab* and *burka* in public spaces with the support of a parliamentary majority. Again, the reason given was communication but also terrorism and safety concerns and the fact that such

garments are an obstacle to women's integration in Dutch society. The Dutch Cabinet was divided and the ban is unlikely to be implemented. In Belgium, a number of city councils have issued a ban (with an administrative fine) on wearing the *burka* in public on grounds of identification and security.

Wearing a *niqab* or *burka* has been made difficult in ways other than by straightforward prohibition. In 2006 Ahmed Atoutaleb, Amsterdam City Councillor for Social Affairs, announced that women who refused to remove their *burka* to enhance their employment options would be ineligible for social security benefits.<sup>cxviii</sup> In Austria, a case was reported of a Muslim woman whose unemployment benefits were withdrawn because she had not accepted job offers that were conditional on removing her headscarf, although the decision was later reversed on appeal.<sup>cxix</sup>

The UK is a notable exception to other European countries in that there was no '*hijab* issue' to speak of or debate about prohibition before late 2006.<sup>cxx</sup> However in the UK, as elsewhere, there are few positive images of *hijab*-wearing women, and to many people the *burka* and *niqab* symbolise the oppression of women in Islam. Norway's Progressive Party proposed a ban on primary and secondary schoolchildren wearing headscarves on the grounds that one should not 'tolerate that girls in such a young age are systematically indoctrinated to accept that women are subordinate and can be suppressed as adults'.<sup>cxxi</sup> The quote exemplifies the belief that schoolgirls and perhaps also adult women who claim they wish to wear a *hijab* are being manipulated by elder brothers, fathers and others; that it is a symbol of women's oppression and therefore cannot be freely chosen by women and girls.

Of the different contexts in which the *hijab* has been debated, it is the policy in schools that is most problematic. It is difficult to see prohibitions on the *hijab* in employment as anything other than indirect discrimination. The same applies to some extent to the right of public servants to wear what they choose. The effect of a strict interpretation of state neutrality could lead to a dearth of Muslim teachers, judges and policewomen which is not only undesirable but also conflicts with the objectives of those who see their mission as saving Muslim women from their oppressive culture. However, the case of schoolgirls and particularly those who claim the right to wear a *niqab* or *burka*, is more difficult. It involves minors who are not credited with the same ability to make free choices as adults. And wearing a *burka* does inhibit pupil-teacher and pupil-pupil communication. But that does not mean that prohibition is the most effective tool, and taking the case of France, it is difficult to judge what has been achieved by the law of 2004. From outside the country, it is also very difficult to judge the level of support for the ban among French Muslim women and girls. Nor is it always clear what drives the anti-*hijab* discourse. It is clearly being used by different groups and with different agendas.

## Part 2: Discussion

This section identifies some of the recurring strategies, discourses and themes that emerge from the first part of the report and concludes with some observations on their policy implications.

### The role of gender

The challenges for policy makers are often articulated as conflicts between the rights of Europe's new religious and cultural minorities to preserve their 'traditional' practices and the assumed democratic and egalitarian norms of majority European societies. But if there is a conflict, it is not a gender-neutral one. What is often ignored is how many of these areas of tension concern women's rights. Family reunification, forced/arranged marriages, FGM/C and the *hijab* have all been debated in terms of protecting women from oppressive patriarchal traditions. Women's dominant role in raising the next generation of European citizens is another way in which they are identified as having a critical role in integration and the relationship of minority and majority societies.<sup>cxviii</sup> Women have been described as the main vehicles of integration but also the first victims of the failure of integration.<sup>cxviii</sup>

Also relevant is the perception many European countries have of themselves as standard-bearers on gender equality. The Nordic countries are often perceived as a model of gender politics in terms of political participation, childcare, benefits and an emphasis on a dual breadwinner system. Sweden, in particular, has been described as 'constructing gender equality as a frame for Swedish political identity ... Not only the presence and visibility of feminists in government and in policymaking bureaucracies, but also the conscious portrayal of gender equality as the Swedish model, an export for other countries to emulate'.<sup>cxix</sup> This can translate into the unfounded assumption that white European women have achieved equality and the task is now to bring women from minorities up to their level. 'Practices' such as 'honour' related violence then come to exemplify the difference between Muslim/immigrant and European values. For example, in 2003 the Dutch Minister of Social Affairs (responsible for emancipation policy) declared that women's emancipation in the Netherlands was complete apart from that of immigrant women. This led to the creation of a commission, PaVEM, in 2003 to promote the labour participation of immigrant women. Yet the Netherlands has by no means achieved equality for native Dutch women: despite an emancipation policy that focuses on women's labour participation, after a quarter of a century, only 40 per cent of Dutch women are economically active.<sup>cx</sup> Similarly, in a policy statement for 2004-2009, the Flemish Minister for Equal Opportunities prioritised the emancipation of *allochtonous* (particularly Muslim) women, implying that the majority of *autochthonous* women have achieved emancipation.<sup>cxvi</sup>

This is an unhelpful approach: it sets up a 'them and us' dichotomy that is alienating to men and women alike in minority and Muslim communities. It ignores the key role of women in NGOs in drawing attention to issues such as FGM/C in the first place, often in the face of disinterest from policy makers. And it also ignores the levels of gender inequality and violence against women that persist in every European country: studies

have shown that 40 per cent of German women have suffered sexual or physical violence, and two women each week in Britain are killed by a current or former partner.<sup>xxxxvii</sup> There seems to be a common and misleading assumption that violence against women is endemic only in minority communities. The Dutch emancipation policy document states that 60 per cent of those taking refuge in women's shelters are of immigrant origin.<sup>xxxxviii</sup> In Germany, a widely-quoted survey in 2004 found that refugee women and female migrants from Turkey and Eastern Europe experienced higher-than-average rates of violence.<sup>xxxxix</sup> Without context, this kind of reporting can lead to a stigmatising of minority cultures that ignores the different contexts in which gender violence takes place, and the prevalence of violence against women in all communities. (It is worth noting, for example, that the number of German women reported to have suffered from family violence is only marginally lower than that of migrants from Turkey and Eastern Europe.)<sup>xl</sup> It is likely, however, that women from minority groups have less support from within and outside their communities, and less access to appropriate resources than majority women when they are threatened with violence.

This is why the work of minority women's NGOs is crucial. Their role has been significant in providing support to victims and drawing attention to the problems discussed here, but has often been unrecognised and under-resourced. It is usually a shocking case highlighted by the media that is the catalyst for legislative reform or policy changes. In the UK, concerns about forced marriage, FGM and 'honour'

### **Naïma Amzil and the headscarf in Belgium**

In 2005, the director of a West-Flemish company received anonymous death threats demanding the resignation of his headscarf-wearing employee Naïma Amzil. The case captured the media, political and public attention, and held a mirror up to the Belgian population, showing where extreme intolerance, and religious and cultural stigmatisation could lead. Because of her composed reaction, and (in particular) her West-Flemish accent, Naïma gained much sympathy among the Belgian public. The case contributed to a certain shift in the debate on the emancipation of Muslim women by bringing the problem of racist and gender-specific ethnic discrimination in the workplace into the public eye. Until recently little attention was given to the low labour market participation of migrant women. A common misconception is that so-called allochthonous girls by virtue of their higher school achievements experience relatively less discrimination in the labour market compared to allochthonous boys. The impact of negative images of immigrant and Muslim women is often ignored, as well as the ethno-stratification of the labour market and the underachievement of highly educated immigrant women (especially in Brussels).



based violence have been raised for many years by black and minority ethnic women's organisations, but it has taken newspaper or television reports of a horrific killing to provoke a response from the authorities.

Most contributors to the Amsterdam conference reported too little consultation with the women who are the intended beneficiaries of these initiatives. Muslims and people from ethnic minorities are inadequately represented at governmental or parliamentary level in all the countries discussed here; and women from these groups are even more underrepresented. It is often the case that ethnic minority concerns are represented by men, feminism and gender concerns by white women, while women from minority communities are required to choose between their gender and their ethnic/religious identities, with few channels to empower them to speak for themselves and articulate a multi-dimensional or hyphenated identity.<sup>cxli</sup> In the UK, where some black, Asian and Muslim women's groups have now established themselves as 'stakeholders', they are only consulted by Government on 'minority women's issues' – 'honour' violence, FGM and forced marriage – and rarely on broader gender and immigration issues such as racial violence or equal pay. Without more direct involvement in policy, interpretations of religious and cultural norms remain in the hands of patriarchal community leaders and do not necessarily reflect the views of women in those communities.

On a positive note, some of the stigmatising or sensationalist focus on violence has helped inspire new grass-roots activism and networking by minority ethnic and religious women. When the Belgian Minister of Internal Affairs, Patrick Dewael, published an essay titled 'Forced veiling is unacceptable' in which he linked the *hijab* to forced marriage and female genital mutilation, 32 *allochtonous* women's organisations signed an open letter to the Minister. This was followed by the creation of the Action Committee of Muslim Women in Flanders and a platform called 'Keep off my headscarf'.<sup>cxlii</sup>

## Religion and culture

The targeted practices discussed here are identified with minority religious and cultural communities, but there is little consistency or clarity as to whether it is religion or culture that is problematic. While all of the countries discussed are predominantly Christian in ethos and history, the official role of religion and its position in relation to the state varies, and this helps determine official and media perspectives on minority 'traditions'. France is unique in its determination to defend *laïcité*, reflected in its confrontational position in legally prohibiting religious manifestations in schools. In other countries, as in Britain, it has been stressed that forced marriage, FGM and 'honour' killings are traditional or cultural practices that are not condoned in any religion, suggesting an unwillingness to condemn religion per se and a more ambiguous relationship between religion and politics.<sup>cxliii</sup> A report to the Council of Europe on 'so-called "honour crimes"' defines them as 'an ancient practice sanctioned by culture rather than religion...'.<sup>cxliv</sup>

The danger here is that 'culture' is given agency. It is 'culture', tradition or ancient ritual that kills and abuses women, not individual perpetrators. Television reports of Fadime Sahindal's murder in Sweden included the following report:

‘So finally it was Fadime’s father who held the gun although many more can be said to have been there with him last night; relatives, neighbours and thousand year old patriarchal traditions.’<sup>cxlv</sup>

In some countries, religious freedom is guaranteed alongside state neutrality. In Germany, for example, there is a constitutional (Article Four) guarantee of religious freedom. The Danish constitution guarantees freedom of religion but the Evangelical Lutheran Church is the only religious organisation funded by the state. In these countries – as in Britain – the effect is an implicit privileging of the traditional Christian religion that makes it difficult to deny minority religious organisations the same privileges. In the Netherlands and Belgium, there is a history of ‘pillarisation’, with society traditionally divided into groups along confessional, philosophical/non-confessional and ideological lines (eg trade unions) and each ‘pillar’ having its own state-funded schools, hospitals, nursing homes etc. This has led to some debate about whether there should be an Islamic ‘pillar’.<sup>cxlvi</sup>

In countries where religion is seen – increasingly – as a basis of rights alongside gender, disability and race, rather than something to be kept distinct from public policy, religious organisations may be able to claim exemption from anti-discrimination laws, but there is no such legal protection for ‘culture’ in European countries. In Norway, for example, all registered faith communities receive state support and Norwegian equality law contains wide exemptions for faith groups.<sup>cxlvii</sup> In the UK, a new Commission for Equality and Human Rights will be created in 2007 providing statutory protection against religious discrimination for the first time; and religious organisations have won exemptions in some areas of anti-discrimination legislation.<sup>cxlviii</sup> In Belgium, both gender equality and religious freedom are upheld in the constitution but religion is able to claim exemption from gender equality law.<sup>cxlix</sup> The European Women’s Lobby (EWL) has published a paper on ‘Religion and Women’s Human Rights’ in response to ‘concerns expressed by EWL members about a perceived stronger influence on governments of religious argumentation with respect to women’s role and gender equality’.<sup>d</sup>

However targeting religion as the cause of gender inequality is also problematic. In France, there is no evidence that the prohibition of the *hijab* has been useful to girls in need of protection – opinion is divided on this. There is even less evidence that it has contributed to national cohesion and more to suggest that it has added to the Muslim communities’ perception that they are being specifically targeted. Focusing on Islam is also misleading. In the case of Fadime Sahindal, for example, there was no Muslim connection – her family was Catholic.<sup>ei</sup> Policies that stigmatise *either* religion *or* culture are never going to reflect the reality of Europe’s new (and not so new) identities.

Targeting Muslim populations – whether as religious or cultural communities – also means that the experiences and needs of Europe’s other minorities are not acknowledged. There are concerns relating to integration and social exclusion for non-Muslim minorities, and women from non-Muslim minority groups have specific experiences of violence. The needs of minorities identified as ‘racial’ rather than ‘cultural’ or ‘religious’ may now be ignored.<sup>ei</sup> Equally, the focus on culture and religion means that other factors are ignored. Muslim communities in Britain have higher rates of unemployment, lower rates of education and worse housing than any other group in society. Focusing on ‘their’ culture or religion as the problem means that social and

economic factors, including institutional discrimination, are overlooked and individuals and communities are blamed for their own marginalisation.

The extrapolation from a few shocking media cases to a wider group also means that an entire community, culture or religion is condemned for the crime of an individual. There is little recognition of the many Muslims living in Germany (and elsewhere) who find the use of the term 'honour' to legitimate forced marriage and murder as disconcerting as most Germans.<sup>cliii</sup> And a number of contributors to the project expressed concern that gender equality has been employed opportunistically, often by those on the right with little previous interest in gender equality, to stigmatise minorities or suggest that an Islamic identity is incompatible with democratic values.<sup>cliv</sup>

The blurring of different kinds of crimes and/or practices also contributes to the portrayal of certain crimes as endemic to minority communities. Forced marriage and sometimes FGM are now included under work to address 'honour crimes' in the UK. Discussing the *hijab* in an interview, the Austrian Secretary of State for Domestic Affairs went on to say, 'We also have to fight against excesses such as forced marriages or so-called 'honour crimes' within the Muslim community' and 'we have to teach Muslim women who get themselves beaten that this is different with us'.<sup>clv</sup> In 2005, the Austrian Secretary of State for Health and Women, Maria Rauch-Kallat, in conjunction with the six other woman federal ministers, launched an initiative against 'harmful traditional practices' or 'HTP'<sup>clvi</sup> covering FGM, forced marriage and 'honour' crimes. During Austria's presidency of the European Union in 2006, the initiative was taken to European level and became NAHT: the Network Against Harmful Traditions'. There is a danger that violence against women is identified as a particular problem of minority communities and that all forms of minority-specific violence are then subsumed under the heading of 'honour-based violence' or 'traditional harmful practices' and segregated from mainstream work on violence against women. While the UK has a working group on Violence Against Women which includes forced marriage, FGM and 'honour' violence within its working definition, it is more common to find these treated as discrete areas of work. This can reinforce the assumption that violence against women is a problem only in minority communities. It also means missed opportunities for sharing good practice, working in partnership and joint initiatives.

### **Legislative and policy implications<sup>clvii</sup>**

Those with experience of the problems discussed here consistently argue that the main need is resources, firstly for service provision, and secondly for educational and campaign work. A universal problem is the lack of research and corresponding lack of evidence on the extent of the problems discussed here.<sup>clviii</sup> National figures on the prevalence of FGM/C or forced marriage, for example, are either unavailable or based on a compilation of estimates from NGOs. The same figure originally provided by FORWARD has been quoted in the UK for several years now. This means that there is no way of judging the effectiveness of the initiatives identified here, some of which began several years ago. It also means that it is difficult to challenge sensationalist journalism implying disproportionate and growing levels of violence in minority communities. The UN Special Rapporteur on Freedom of Religion or Beliefs, Asma

Jahangir, has said 'Figures available on HRV [Honour-Related Violence] are grossly underestimated and governments should set up mechanisms to collect reliable statistics and information about such crimes'.<sup>clix</sup>

The stated objective of all initiatives on FGM, forced marriage and 'honour' violence is to improve women's rights and protect girls and women from minority communities. However, a common denominator – particular in relation to marriage – is the use of immigration regulations. Increasing the age at which citizens can be joined by a spouse from overseas may protect women from forced marriage – though this has not been demonstrated – but it will also reduce the number of family reunification entrants. This threatens the credibility of work by statutory bodies, leading to a perception by minority communities that reducing immigration is the main objective or at least a welcome by-product of this work.<sup>clx</sup> The location of the UK's forced marriage work in the Foreign and Commonwealth Office was problematic in focussing on the 'overseas dimension' while failing to record cases of forced marriage between two UK citizens.

The effectiveness of immigration regulation in protecting women has also been challenged with the suggestion that measures could backfire and result in girls being taken out of education early and sent abroad to marry if their families are unable to sponsor a spouse to join them in Europe. In the case of Denmark, Anja Bredal has referred to 'a tightening of borders in the name of women's rights' and suggests '[a] sharper distinction must be made between those legal and social policy measures that are taken to strengthen individuals' right to self-determination and facilitate the empowerment of individuals, and those that are designed to regulate or police group behaviour'.<sup>clxi</sup> Her argument could be applied beyond Denmark.

In addressing violence against women in minority communities, all countries have recognised the need to combine punishment with prevention. The difficulty is in finding the most effective balance between enforcement (to protect existing victims and penalise perpetrators) and awareness-raising (to reduce future prevalence). Countries discussed here have struck this balance at different points. Where new legislation has been passed targeting minority practices, it was often not legally necessary and is validated for its symbolic status in sending a message to the communities in question that certain practices are illegal and unacceptable.<sup>clxii</sup> New laws often do no more than emphasise an already existent, general, legal state of affairs.<sup>clxiii</sup> The UK's Forced Marriage Consultation acknowledged that legislation is already in place that enables prosecution, suggesting that the main object of legislation against forced marriage is to highlight its (existing) illegality.<sup>clxiv</sup> Similarly, in Norway spouses now have to sign a document agreeing that both partners have an equal right to divorce – something they have long had with or without such a document.<sup>clxv</sup>

There is little evidence that targeted legislation is effective. The country with the strongest track record on prosecuting parents and *exiceuses* – France – has no specific law but prosecutes under the general penal code. Britain, a country with not one but two specific laws on FGM has so far had no prosecutions under the legislation. Norway's 1998 law prohibiting FGM was supplemented by an Action Plan for 2001-2003, partly in recognition that without education and training for service providers, the law had not been effective.<sup>clxvi</sup> There is a risk that legislation substitutes for more costly interventions, and also a danger that the use of 'culture-specific' rather than

generic legislation can contribute to public representations of minority cultural and religious groups as more patriarchal, ‘traditional’, and backward than the majority groups. Against that, women’s NGO’s have sometimes supported targeted legislation but stressed that this must be accompanied by adequately funded awareness-raising and educational work.<sup>clxvii</sup>

The question of whether to use general laws or create specific ones relates to the overall approach to violence against women from minority communities that takes a particular form. Should policy work and services be established separately or as part of general work on violence and women’s or children’s rights? In the UK this point arises when ‘honour’ crimes are identified as a distinct category for purposes of policing. There has been consensus among women’s groups – particularly those representing minority women – that more needs to be done to address ‘honour’ crimes, but also concern that this should not be detached from the wider category of domestic violence. In Belgium, there is some reluctance to use categories such as ‘honour-related’. Rather than ‘culturalise’ women’s experiences, organisations such as SAMV (a support point for *allochtonous* girls and women) emphasize the ‘interculturalisation’ of services, meaning greater inclusiveness and sensitivity to the needs of women from minority groups.<sup>clxviii</sup>

In other countries ‘packages’ of initiatives have targeted violence against minority women in isolation from other gender protection work – for example the Network Against Harmful Traditions spearheaded by Austria. The Norwegian Government established a Working Group on Violence Against Women in December 2003 but the Group sees forced marriage and FGM as outside its remit because they have been covered in separate action plans. This has been described as a ‘significant missed opportunity for mainstreaming’.<sup>clxix</sup>

### **‘The Alien Bride’**

In Germany, a book by Necla Kelek ‘Die Fremde Braut’ or ‘The Alien Bride’ was significant in drawing attention to the problem of young girls imported from Turkey to be married to Germans of Turkish origin. While the book has been praised for drawing attention to a previously unrecognised problem, Kelek has also been subject to criticism. In 2006, ‘Die Zeit’ published an open letter from 60 migration researchers criticising the simplistic and clichéd portrayal of Turkish/Muslim culture in the personal testimonies of writers such as Kelek.



## Conclusion

33

It is worth asking why these same issues became topical in so many countries at the same time. As women's NGOs point out, these are not new problems. Partly this demonstrates the domino effect that can happen in Europe. The French controversy about the *hijab* and new law triggered debates across Europe but particularly in its neighbouring countries. In central Europe, events in one country clearly influence public and media opinion in neighbouring states, perhaps less so in relation to the UK than other countries discussed here, where the *hijab* has been less of an issue. On some issues, there have been attempts to coordinate action at European level or between several European countries (in relation to forced marriage and 'honour' crimes, but not FGM/C). It is also useful to ask whose agendas are served by the new focus on violence against minority women. In some cases there are legitimate concerns that women's rights are being exploited by an anti-immigration or Islamophobic agenda. This puts minority women's organisations in a difficult position in combining criticism of restrictive immigration policies with support for the commitment to protect women from violence.

In looking at the way different countries have addressed the problem of violence against women from minority groups, the most important question is whether these policies have been successful in reducing the incidence of phenomena such as FGM/C, forced marriage and 'honour' related violence. On the evidence here, there is no clear-cut answer. On the one hand, measures that specifically target certain groups or identify certain crimes as based on 'culture' or 'tradition' do not appear to have succeeded. Laws on FGM have rarely been enforced. And the aim of securing women's rights and safety has been compromised by perceptions that the underlying motive is reducing immigration. But it is not possible to map the success of the various initiatives described because a common problem is the lack of research and data on the extent of these 'problems'. Public and political concern is generally raised by a few high-profile cases rather than by solid evidence provided by NGOs and service providers. While the punitive initiatives tend to receive more attention, there is clearly useful work being done to raise awareness in the communities concerned, but this is under-resourced and unmeasured.

In conclusion, three points have emerged from this project on which there is a consensus among participants:

- 1** The importance of balancing policies and laws that target minority communities with mainstreaming work on FGM/C, forced marriage and 'honour' violence within work on violence against women using a human rights framework.
- 2** The need to empower women within the communities concerned and facilitate their agency in working towards improved protection. With the exception of a few celebrated individuals and victims, minority, migrant and Muslim women remain the subject of debate rather than leading it.
- 3** The need for better resources to enable women's NGOs to carry out research and fund education and service provision to support victims and prevent future abuses.

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## Project outline and participants

The project on Gender Equality, Cultural Diversity: European comparisons and lessons was led by Anne Phillips of the Gender Institute, London School of Economics, and Sawitri Saharso of the Vrije Universiteit, Amsterdam. It was funded by the Nuffield Foundation. It proceeded through two conferences to explore the normative and policy issues posed by the relationship between gender equality and cultural diversity, and develop a comparative analysis of the way these were being addressed in different countries in Europe. The first conference was held at the London School of Economics in May 2005; the second at the Vrije Universiteit, Amsterdam, June 2006. Contributors presented papers outlining the issues as they have arisen and been debated in their own country.

### Conference Participants (Amsterdam, June 2006):

|                               |                                       |
|-------------------------------|---------------------------------------|
| <b>Haleh Afshar</b>           | University of York, UK                |
| <b>Sabine Berghahn</b>        | Freie Universität Berlin              |
| <b>Anja Bredal</b>            | Institute for Social Research, Norway |
| <b>Gily Coene</b>             | University of Warwick, UK             |
| <b>Moirra Dustin</b>          | London School of Economics, UK        |
| <b>Martin Frank</b>           | Universität Bremen, Germany           |
| <b>Aisha Gill</b>             | University of Roehampton, UK          |
| <b>Halleh Ghorashi</b>        | Vrije Universiteit, Netherlands       |
| <b>Zenia Hellgren</b>         | Stockholms Universitet, Sweden        |
| <b>Barbara Hobson</b>         | Stockholms Universitet, Sweden        |
| <b>Elizabeth Holzleithner</b> | Universität Wien, Austria             |
| <b>Riva Kastoryano</b>        | CERI, France                          |
| <b>Chia Longman</b>           | Universiteit Gent, Belgium            |
| <b>Anne Phillips</b>          | London School of Economics, UK        |
| <b>Baukje Prins</b>           | Rijksuniversiteit, Netherlands        |
| <b>Petra Rostock</b>          | Freie Universität Berlin              |
| <b>Sawitri Saharso</b>        | Vrije Universiteit, Amsterdam         |
| <b>Birte Siim</b>             | Aalborg Universitet, Denmark          |
| <b>Hege Skjeie</b>            | Universitetet i Oslo, Norway          |
| <b>Julia Szalai</b>           | ELTE University, Hungary              |
| <b>Martine Spensky</b>        | Université Blaise Pascal, France      |
| <b>Sabine Strasser</b>        | Universität Wien, Austria             |

The initial list of contributors included participants from Spain, Italy, and the Czech Republic, but for a variety of reasons, not all contributors were able to participate fully in the two conference. The report, as a result, draws primarily on the following countries: Austria, Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden, and the UK. Though we benefited from the full participation of our contributor from Hungary – Julia Szalai – the Hungarian experience has not been systematically included in this report because it raises rather different kinds of issues.



## Appendix 2

### Population figures

Most of these figures are estimates and will not have been collated in the same way. The percentage of the population that are non-nationals is likely to be an underestimation in most cases. Some countries do not record the religion of citizens (France is notable in not recording ethnicity), and even where religious populations are assessed, no distinction is made between practicing and non-practicing Muslims.

The International Helsinki Federation for Human Rights report 2005 (see references) gives details of Europe's Muslim populations and also evidence of racially and religiously motivated hate crimes against Muslims and the universally higher rates of unemployment and social exclusion they experience.

- Austria's population is 8.2 million. There is a foreign population of 8.9 per cent of whom half are from Eastern Europe and 18 per cent are from Turkey. 9 per cent of the population are non-nationals.
- Belgium's population is 10.3 million. 9 per cent of the population are non-nationals, with significant numbers of Moroccan, Turkish and Albanian origin.
- Denmark's population is 5.4 million of whom five per cent are estimated (there are no official figures) to have a Muslim background and/or are originally from Turkey, Pakistan, the former Yugoslavia and Somalia. Many are refugees or former refugees and the majority live in cities. five per cent of the population are non-nationals.
- France's population is 62 million and its non-national population is 6 per cent. Although there are no official statistics, France is estimated to have the largest Muslim population in Western Europe, the majority from the former North African colonies of Algeria, Morocco and Tunisia, but also from sub-Saharan Africa and Turkey. About half of all Muslims in France are French-born or naturalised.
- Germany's population is 83 million and it has a non-national population of 9 per cent, many from Turkey, and more recently from Bosnia and Kosovo. Until recently, immigrants were considered 'guest workers' who would eventually leave.
- Italy's population is 58 million. 2.5 per cent of the population is non-nationals.
- The Netherlands' total population is 16 million with 4 per cent non-nationals. Many immigrants in the 1950s came from the former colonies of Suriname and Indonesia, later groups of Muslims came from Somalia, Turkey and Morocco, Iraq, Iran, Pakistan and Afghanistan.
- Norway's total population is just under 5 million. Oslo has the largest proportion of immigrants at 23 per cent. The immigrant population overall is 8 per cent. Half of all first-generation immigrants arrived in Norway as refugees.
- Sweden's population is 9 million. 5 per cent of the population are non-nationals.
- The UK population is 59 million of whom the Muslim population is 2.8 per cent (as established for the first time by the 2001 Census). Eight per cent of the population are from non-white ethnic groups. Most British Muslims have their origin in the Indian subcontinent. The majority were born in the UK and have citizenship. Four per cent of the UK's population are non-nationals.

[Sources: European Migration Centre at [www.emz-berlin.de/start/noAnimation.htm](http://www.emz-berlin.de/start/noAnimation.htm), Institute for National Statistics in France, US State Department, International Helsinki Federation for Human Rights, [www.statistics.gov.uk](http://www.statistics.gov.uk), [BBC.co.uk](http://BBC.co.uk), Statistics Norway at [www.ssb.no/english/](http://www.ssb.no/english/), Amsterdam conference papers]

## Appendix 3

### Contacts

These are just a few of the NGOs working on these issues in the countries discussed.

**E-quality** (Netherlands) [www.e-quality.nl](http://www.e-quality.nl)

**FORWARD** (UK/International)  
[www.forwarduk.org.uk](http://www.forwarduk.org.uk)

**GAMS** (France)  
<http://perso.orange.fr/..associationgams/index.html>

**Imkaan** (UK)  
[www.imkaan.org.uk](http://www.imkaan.org.uk)

**Inssan** (Germany)  
[www.inssan-ev.de](http://www.inssan-ev.de)

**Kurdish Women Action Against Honour Killing (KWAHK)** (UK)  
[www.kwahk.org](http://www.kwahk.org)

**Kvinnoforum** (Sweden)  
[www.kvinnoforum.se](http://www.kvinnoforum.se)

**LOKK** (Denmark)  
[www.lokk.dk](http://www.lokk.dk)

**Newham Asian Women's Project** (UK)  
[www.nawp.org](http://www.nawp.org)

**Ni Putes Ni Soumises** (France)  
[www.niputesnisoumises.com](http://www.niputesnisoumises.com)

**Orient Express** (Austria)  
[www.orientexpress-wien.com](http://www.orientexpress-wien.com)

**Papatya** (Austria)  
[www.papatya.org](http://www.papatya.org)

**Peregrina** (Austria)  
[www.peregrina.at](http://www.peregrina.at)

**SAMV/The Centre for Allochtonous Girls and Women** (Belgium)  
[www.samv.be](http://www.samv.be)

**Southall Black Sisters** (UK)  
[www.southallblacksisters.org.uk](http://www.southallblacksisters.org.uk)

**Terrafem** (Sweden)  
[www.terrafem.org](http://www.terrafem.org)

**Terre des Femmes** (Germany)  
[www.terre-des-femmes.de](http://www.terre-des-femmes.de)

**TransAct** (Netherlands)  
[www.transact.nl](http://www.transact.nl)

**Women Living Under Muslim Laws** (international)  
[www.wluml.org](http://www.wluml.org)

**Women's National Commission** (UK)  
[www.thewnc.org.uk](http://www.thewnc.org.uk)

## Endnotes

- <sup>i</sup> Participating countries included Austria, Belgium, Denmark, France, Germany, Hungary, Italy (2005 only), Netherlands, Norway, Sweden, UK. Norway is the only country that is not a member of the European Union.
- <sup>ii</sup> Siim, 2006. Siim is referring to Denmark but the point has wider relevance.
- <sup>iii</sup> For example, the Kvinnoforum 2005 resource book on Honour-based violence, which reports from seven countries (see references).
- <sup>iv</sup> Professor Sawitri Saharso, opening the Conference on 'Gender equality, cultural diversity: European comparisons and lessons' held in Amsterdam on 8th June 2006.
- <sup>v</sup> For example, in Norway, laws to protect minority women have been promoted by the right wing Progressive Party, which at the same time rejects anti-discrimination laws as unnecessary (Skjeie, 2006).
- <sup>vi</sup> For example, the VEIL project: Values, Equality and Differences in Liberal Democracies. Debates about Female Muslim Headscarves in Europe. The project will compare policies on Muslim headscarves in a number of European countries. ([www.univie.ac.at/veil/Home3](http://www.univie.ac.at/veil/Home3))
- <sup>vii</sup> The status of second and third wives in European countries that do not recognise polygamy is often unclear. For example, in 2003, it was estimated that there are 8,000 polygamous families in France with an average of 12 people in each. Following a ban on polygamous family reunification in 1993, husbands often bring their wives into the country as 'sisters' or 'cousins' (Le Figaro, 3rd July 2003).
- <sup>viii</sup> 'Repudiation' – where a man divorces his wife simply by saying 'I divorce you' – is illegal in France but has been accepted in the past on the basis of bilateral agreements such as that between France and Morocco in 1981, leaving the Muslim women involved caught between two systems of law and lacking legal protection or entitlement to state benefits (see 'Le Figaro' 3rd July 2003 and [www.femmes-egalite.gouv.fr/espace\\_presse/dossiers\\_2005/050307\\_synthese.htm](http://www.femmes-egalite.gouv.fr/espace_presse/dossiers_2005/050307_synthese.htm)). In the UK, women who have a *nikah* (Muslim marriage ceremony) without also marrying according to English civil law, may find themselves with few legal rights if the marriage breaks down (See Shah-Kazemi, Sonia Nûrîn (2001) 'Untying the Knot. Muslim Women, Divorce and the Shariah' Nuffield Foundation). See also Sami Aldeeb et Andrea Bonomi eds (1999) 'Le droit musulman de la famille et des successions à l'épreuve des ordres juridiques occidentaux', Publications de l'Institut suisse de droit comparé, Schulthess, Zürich.
- <sup>ix</sup> For example, Flemish policy allows 'allochthonous' women more visibility in policy in while the French-speaking part of the country there is a greater sense that focussing on ethnicity can artificially reinforce splits between groups in the population (Coene and Longman, 2006). Aiming to provide a counterpoint to the conservative/right wing government (and parliamentary majority), the governing Viennese Social Democratic Party uses and implements the slogan 'Vienna is different' in its migration policies. (Holzleithner and Strasser, 2006).
- <sup>x</sup> Certainly a concern in Britain was that the 7 July 2005 terrorists were UK-born and raised.
- <sup>xi</sup> For example, in France, 79% of immigration is through family reunion (Spensky, 2006).
- <sup>xii</sup> Or, in Norway, what is described as 'strict entry – generous stay' (Skjeie, 2006), meaning it is difficult to enter the country but conditions are generous in terms of welfare for those who manage it. In Austria, the slogan 'Integration over

immigration’ has been in use since the early 1990s (Holzleithner and Strasser, 2006).

<sup>xiii</sup> For example, in the UK, the Immigration, Asylum and Nationality Act was passed in 2006, following The Asylum and Immigration Treatment of Claimants, etc. Act 2004, the Nationality, Immigration and Asylum Act 2002, and the Immigration and Asylum Act 1999. In Austria, a new asylum law came into force in 2004 and the Justice Minister’s proposal in July 2005 for an extended waiting period for naturalisation was followed by the Alien Law codification that came into force in January 2006. Germany saw a new Immigration Act in 2004. France tightened its laws in 2003 and 2006. Denmark’s Aliens Act of 1998 was amended in 2002.

<sup>xiv</sup> See Berghahn and Rostock, 2006. Britain has been described as being in a state of ‘multicultural drift’ (Commission on the Future of Multi-Ethnic Britain/The Runnymede Trust, 2000, p14).

<sup>xv</sup> In Austria, for example, Secretary of State Liese Prokop announced that 45% of Austria’s Muslim population are ‘not willing to integrate’ (Holzleithner and Strasser, 2006). In the Netherlands, a commission was set up by Parliament to investigate the perceived failure of Dutch integration policies after thirty years (Prins and Saharso, 2006).

<sup>xvi</sup> See Berghahn and Rostock, 2006 and Holzleithner and Strasser, 2006.

<sup>xvii</sup> See Community Cohesion Panel (2004) ‘The End of Parallel Lives? The Report of the Community Cohesion Panel’ July 2004.

<sup>xviii</sup> Under the UK Nationality, Immigration and Asylum Act 2002, applicants for citizenship must pass an English language test and make an oath of allegiance in a citizenship ceremony. Community cohesion has been an area of policy work since the unrest in Northern towns of summer 2001 and a new Commission for Equality and Human Rights to be established in 2007 will have a responsibility to promote ‘good relations’ between groups and individuals, prioritising race and religion. In 2006 a Commission on Integration and Cohesion was launched to study community tensions and address concerns about segregation. Germany’s 2004 Immigration Act includes a compulsory integration course. Austria’s 2002 Integration Agreement obliges immigrants to attend German language and integration courses and an amendment to the Citizen Act introduced new conditions for granting citizenship status, including proof of language ability and basic knowledge of the democratic order and Austrian history. In France, prior to 1993, all children born in France had French nationality unless they or their parents chose otherwise. The ‘Pasqua laws’ obliged children born to foreign parents, to ‘manifest their will’ in order to become French. The *Contrat d’Accueil* introduced in 2003 must be signed by all those admitted to live in France and reminds applicants that France is a secular country and that equality between men and women is one of its fundamental principles. It also commits them to learning the French language. The criteria for Danish citizenship includes certified knowledge of the language. The Danish immigration package of 2002 contained two key components: the age limit of 24 for family reunion and an ‘introductory grant’ for refugees in place of social assistance – criticised for undermining universal equal treatment and increasing poverty. The Flemish-Belgian *inburgering* decree of 2003 introduced an obligation to go through a process of integration, including language classes. In the Netherlands, the *Wet Inburgering Nieuwkomers* law of 1998 established free but compulsory integration courses for newcomers. As of March 2006, migrants settling in the Netherlands are required to take a civic integration exam before entering the country at a cost of 350 Euros (EU citizens, American and Japanese nationals are exempt). Norway’s 2004 Introduction

Act combines an obligatory introduction programme, including both language and education about Norwegian society, with financial support. Those who do not attend the programme have their support reduced. See participants' conference papers for further details of these policies.

<sup>xix</sup> Hellgren and Hobson, 2006.

<sup>xx</sup> Siim, 2006.

<sup>xxi</sup> Speech by Ruth Kelly, Secretary of State for Communities and Local Government at launch of the Commission on Integration and Cohesion, 24th August 2006. Available at [www.communities.gov.uk/index.asp?id=1502280](http://www.communities.gov.uk/index.asp?id=1502280) [accessed 02/09/06].

<sup>xxii</sup> Siim, 2006; Prins and Saharso, 2006.

<sup>xxiii</sup> For example, The UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, 1962 affirms that all states should ensure complete freedom in the choice of a spouse and has been signed by Denmark, the Netherlands, Sweden, France, Italy, and adopted by Austria, Germany, Norway, Spain and the UK. According to the Family Reunification directive approved by the European Union Council of Ministers in 2003, Third Country National's with one-year residence permits are entitled to be reunited with their family, including spouses and children. See also the Universal Declaration of Human Rights 1948, the United Nations International Covenant on Civil and Political Rights 1966, UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979, The United Nations Convention on the Rights of the Child 1989, The UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage 1962, The Council of Europe Resolution 1327 2003 on 'So-called "honour crimes"' on 4 April 2003, the European Union Race Directive 2000/43 and Employment Directive 2000/78, and United Nations General Assembly Resolution 59/165 'Working towards the elimination of crimes against women and girls committed in the name of honour' 2004/2005.

<sup>xxiv</sup> See Kvinnoforum, 2005 and Rude-Antoine, 2005.

<sup>xxv</sup> For example, in two cases the ECHR has upheld member states' rights to legitimately limit religious manifestation in the form of wearing a headscarf. In *Dahlab versus Switzerland* 2001 and in *Sahin versus Turkey* 2004/1005.

<sup>xxvi</sup> [www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1094234857863](http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1094234857863) [accessed 12/08/06].

<sup>xxvii</sup> Rude-Antoine, 2005, p7.

<sup>xxviii</sup> Gangoli, Razak and McCarry, 2006, pages 12 and 15.

<sup>xxix</sup> The Group's report was published in 2000: 'A Choice by Right. The Report of the Working Group on Forced Marriage'. London, Home Office Communications Directorate, 2000.

<sup>xxx</sup> The Unit's caseload is now approximately 300 cases per year. The work involves co-operation with local offices of the British High Commission and police forces in Pakistan, India, Bangladesh; as well as liaison with women's refugees in the UK in order to find alternative accommodation for those who can no longer return to the family home. The Unit has been proactive both in its 'rescue missions' for individuals threatened with an unwanted marriage (by 2004, it had assisted in the repatriation of more than one hundred young people) and in the guidelines it has helped prepare for police officers, social workers, and teachers. These all stress the importance of



talking to the young people on their own, away from the pressures of other family members or the interference of community leaders. (See [www.fco.gov.uk](http://www.fco.gov.uk). Caseload figure from European Commission/Daphne Project on Female Marriage Migrants (2006) 'Gender, Marriage Migration and Justice in Multicultural Britain – Conference Report, London, 2006, p10).

<sup>xxx</sup> Danish Government, 2003, p1.

<sup>xxxii</sup> Siim, 2006.

<sup>xxxiii</sup> Forced marriage has been identified as an increasing problem in several countries. In Austria by NGOs such as Orient Express. But another organisation – Peregrina – has challenged the idea that the problem is on the increase (Holzleithner and Strasser, 2006). *Le Haut Conseil à L'intégration* has estimated that 70,000 adolescents are at risk of forced marriage and that the tradition is spreading in France while it is declining in the countries of origin ('Le Figaro', 8th March 2005). See Rude-Antoine, 2005, pp22-26 for quantitative figures and/or estimates.

<sup>xxxiv</sup> Prins and Saharso, 2006; Coene and Longman, 2006.

<sup>xxxv</sup> Holzleithner and Strasser, 2006.

<sup>xxxvi</sup> Berghahn and Rostock, 2006.

<sup>xxxvii</sup> Skjeie, 2006.

<sup>xxxviii</sup> Hellgren and Hobson, 2006.

<sup>xxxix</sup> [www.aftenposten.no/english/local/article763973.ece](http://www.aftenposten.no/english/local/article763973.ece) See Bredal; 2005, Skjeie, 2006.

<sup>xl</sup> The Universal Declaration of Human rights states that 'Men and women of full age...have the right to marry' and that 'Marriage shall be entered into only with the free and full consent of the intending spouses'. Similar principles are expressed in international documents including The International Covenant on Civil and Political Rights and The Convention on the Elimination of All Forms of Discrimination Against Women. Council of Europe Recommendation 2002 5 on the Protection of Women against Violence includes 'traditional practices harmful to women, such as forced marriages' in its definition. Countries covered in this report are party to at least some if not all of these documents. See also Rude-Antoine, 2005, p39.

<sup>xli</sup> Rude-Antoine, 2005, p11.

<sup>xlii</sup> This says that 'Anyone who forces another person to conclude a marriage through recourse to violence, deprivation of liberty, undue pressure or other unlawful behaviour, or through the threat of such behaviour, shall be guilty of the offence of forced marriage. The penalty shall be imprisonment for a period of up to six years. Accomplices shall be liable to the same penalty (Article 222 2 of the Criminal Code).

<sup>xliii</sup> BGB1 I Nr. 56/2006.

<sup>xliv</sup> Rude-Antoine, 2005, p42.

<sup>xl</sup> BR-Drucksache 51/06, 10.02.2006; BT-Drs. 16/1035, 23 March 2006.

<sup>xlvi</sup> See 'Le Figaro' 8th March 2005 and [www.femmes-egalite.gouv.fr/espace\\_presse/dossiers\\_2005/050307.htm](http://www.femmes-egalite.gouv.fr/espace_presse/dossiers_2005/050307.htm)

<sup>xlvii</sup> Berghahn and Rostock, 2006.

<sup>xlviii</sup> R v Ghulam Rasool 1990-91 12 Cr. App. R S. 771. Her stepfather was sentenced to two years imprisonment, her mother was given a conditional discharge, and her brothers were ordered to perform community service.

<sup>xlix</sup> Available at [www.fco.gov.uk](http://www.fco.gov.uk).

<sup>i</sup> The consultation and response are available at [www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1148475632096](http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1148475632096) [last accessed 12/8/06]

<sup>ii</sup> The End Violence Against Women campaign was launched in November 2005. It defines violence against women as including 'Domestic violence (physical, sexual, psychological, financial, and social), Rape and sexual violence, Stalking, Sexual harassment, Forced marriage, Early marriage, Female Genital Mutilation (FGM), Crimes and killings committed in the name of 'honour', Trafficking into forced prostitution and forced labour' (see [www.endviolenceagainstwomen.org.uk](http://www.endviolenceagainstwomen.org.uk)).

<sup>iii</sup> Rude-Antoine, 2005, p43.

<sup>iiii</sup> Rude-Antoine, 2005, p51.

<sup>iv</sup> 'Family reunion/reunification – the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry' (EU Family Reunion Directive). In the 1990s, Austria introduced a quota system for family reunification, subsequently declared unconstitutional by the Austrian Constitutional Court in 2003. A modified version of this quota regulation, which is apparently in accordance with ECHR case law, is now backed by Art 8 Family Reunification Directive 2003/86/EC (Holzleithner and Strasser, 2006).

<sup>lv</sup> Bredal, 2005, p346; Siim, 2006.

<sup>lvi</sup> Bredal, 2005.

<sup>lvii</sup> Previously, the age was 16. Ann Cryer MP, who was primarily responsible for this change, was partly inspired by the Danish example, and believes that raising the age to 21 would be the best solution. Interview with Ann Cryer, 26 June 2003.

<sup>lviii</sup> Bredal, 2005, p338.

<sup>lix</sup> Prins and Saharso, 2006; Rude-Antoine, 2005.

<sup>lx</sup> The draft bill can be found at [www.fluechtlingsinfo-berlin.de/fr/pdf/BMI\\_AendG\\_ZuwG\\_030106.pdf](http://www.fluechtlingsinfo-berlin.de/fr/pdf/BMI_AendG_ZuwG_030106.pdf). For more information see [www.migration-info.de/migration\\_und\\_bevoelkerung/artikel/060105.htm](http://www.migration-info.de/migration_und_bevoelkerung/artikel/060105.htm).

<sup>lxi</sup> [www.bundestag.de/ausschuesse/a13/anhoerungen/anhoerung01/stellungnahmen\\_13\\_sitzung/Dr\\_\\_Necla\\_Kelek\\_\\_Autorin.pdf](http://www.bundestag.de/ausschuesse/a13/anhoerungen/anhoerung01/stellungnahmen_13_sitzung/Dr__Necla_Kelek__Autorin.pdf)

<sup>lxii</sup> Martin Frank, email correspondence 4th September 2006.

<sup>lxiii</sup> Danish Government, 2003, p1.

<sup>lxiv</sup> Farwha Nielsen of the LOKK project, Denmark, speaking at a conference in Copenhagen in February 2006 that was part of the Daphne Project on Female Marriage Migrants: Awareness Rising and Violence Prevention.

<sup>lxv</sup> Bredal, 2005; Siim, 2006; Dustin and Phillips, 2006.

<sup>lxvi</sup> This concern was expressed by Kaveri Sharma of Newham Asian Women's Project at a conference on 'Honour' Crimes and violence against women organised by the Centre for Crime and Justice Studies on 20th April 2005 in the UK.

<sup>lxvii</sup> Women's Aid Federation 'Briefing on the Key Issues Facing Abused Women With Insecure Immigration Status to Entering the UK to Join Their Settled Partner', 2002,

[www.womensaid.org.uk](http://www.womensaid.org.uk).

<sup>lxviii</sup> Holzeithner and Strasser, 2006. § 27 NAG

<sup>lxix</sup> Prins and Saharso, 2006.

<sup>lxx</sup> Skjeie, 2006.

<sup>lxxi</sup> In the UK Government White Paper 'Secure Borders, Safe Haven' (2002), then Home Secretary David Blunkett states 'We also believe there is a discussion to be had within those communities that continue the practice of arranged marriages as to whether more of these could be undertaken within the settled community here'.

<sup>lxxii</sup> The CIMEL/Interrights project (information available at [www.soas.ac.uk/honourcrimes/](http://www.soas.ac.uk/honourcrimes/)) 'considers "crimes of honour" to encompass a variety of manifestations of violence against women including: "honour killings", assault, unlawful confinement and forced marriage. The motivation or publicly articulated justification for committing such crimes is attributed to a social order claimed to require measures of enforcement; such as measures against women (specifically women's sexual conduct – actual, suspected or potential), for the preservation of honour vested in male, family and/or conjugal control over women' ([www.soas.ac.uk/honourcrimes/ResearchProposal.htm](http://www.soas.ac.uk/honourcrimes/ResearchProposal.htm)).

Or 'Honour related violence is a form of violence perpetrated predominantly by males against females within the framework of collective based family structures, communities and societies where the main claim for the perpetuation of violence is the protection of a societal construction of honour as a value system, norm or tradition.' Kvinnoforum, 2005, p19.

<sup>lxxiii</sup> Holzeithner and Strasser, 2006.

<sup>lxxiv</sup> Leti Volpp (1994) '(Mis)identifying Culture: Asian women and the 'Cultural Defense' in Harvard Women's L J, 17.

<sup>lxxv</sup> Hellgren and Hobson, 2006.

<sup>lxxvi</sup> Kvinnoforum, 2005, p36.

<sup>lxxvii</sup> Hellgren and Hobson, 2006.

<sup>lxxviii</sup> Hellgren and Hobson, 2006.

<sup>lxxix</sup> Berghahn and Rostock, 2006.

<sup>lxxx</sup> Berghahn and Rostock, 2006.

<sup>lxxxi</sup> Berghahn and Rostock, 2006.

<sup>lxxxii</sup> Prins and Saharso, 2006.

<sup>lxxxiii</sup> One key initiative in the UK was the Project on Strategies to Address 'Crimes of Honour', set up in 1999, and jointly co-ordinated by the Centre of Islamic and Middle Eastern Laws CIMEL at the School of Oriental and African Studies, University of London, and the International Centre for the Legal Protection of Rights (INTERIGHTS). At a grassroots and casework level, there are a number of community and women's groups – including Imkaan, Southall Black Sisters, Kurdish Women Action Against Honour Killings, and the Iranian and Kurdish Women's Rights Project – that have been dealing with crimes of 'honour' for many years in some cases, and campaigning to bring their incidence to light.

<sup>lxxxiv</sup> R v Abdulla M Younes, Central Criminal Court, 27 September 2003, Transcript: Smith Bernal.

- <sup>lxxxv</sup> Findings from the Multi-agency Domestic Violence Murder Reviews in London, prepared for the ACPO Homicide Working Group by the Racial and Violence Crime Task Force, Metropolitan Police Service (MPS), 2003. The MPS working group subsumed an earlier working group on forced marriage and is a multi-agency group whose members include Women Living Under Muslim Laws, the Asiana Project, Refuge and others. The national 'honour' crimes working group is co-ordinated by ACPO (the Association of Chief Police Officers) and is an internal group for police officers only. The MPS has held or participated in several conferences to raise awareness of its work and spread good practice, and service providers, academics and policy makers as well as significant numbers of police officers have attended these.
- <sup>lxxxvi</sup> In December 2005 a partnership of NGOs held a conference on honour-related violence in Brussels. In response to lobbying, the Justice Minister confirmed that honour-based violence is not recorded by the police nor do they receive special training on it. In 2006 the Minister promised an action plan on intra-familial violence. (Coene and Longman, 2006).
- <sup>lxxxvii</sup> See endnote <sup>ii</sup> above.
- <sup>lxxxviii</sup> World Health Organisation fact sheet N°241, June 2000, Female genital mutilation, [www.who.int/mediacentre/factsheets/fs241/en/](http://www.who.int/mediacentre/factsheets/fs241/en/)
- <sup>lxxxix</sup> Lockhat, 2004, p45-47.
- <sup>xc</sup> Available at <http://odin.dep.no/bld/english/doc/handbooks/004021-120008/ind-bn.html>
- <sup>xc i</sup> Dustin and Phillips, 2006.
- <sup>xc ii</sup> Holzleithner and Strasser, 2006.
- <sup>xc iii</sup> 'Measures of EU Member States to combat Harmful Traditional Practices against women', Press release, Federal Ministry of Health and Women, Brussels, 24 January 2006.
- <sup>xc iv</sup> Holzleithner and Strasser, 2006.
- <sup>xc v</sup> Prins and Saharso, 2006.
- <sup>xc vi</sup> Winter, 1994.
- <sup>xc vii</sup> [www.commission-droits-homme.fr/anglais.htm](http://www.commission-droits-homme.fr/anglais.htm)
- <sup>xc viii</sup> At the Women's National Commission FGM sub-group meeting on 1 October 2004, it was suggested that 90% of Somali community are not aware of the Act.
- <sup>xc ix</sup> All Party Parliamentary Group (APPG) on Population, Development and Reproductive Health, 2000.
- <sup>i</sup> 'Secularism is the closest English translation, although with less militant connotations than there are in France
- <sup>ci</sup> *Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics 1.*
- <sup>cii</sup> International Helsinki Federation for Human Rights, 2005, p69.
- <sup>ciii</sup> Spensky, 2006.
- <sup>civ</sup> International Helsinki Federation for Human Rights, 2005, p71.
- <sup>cv</sup> The French suburbs which have become the focus of unrest for France's unemployed

and alienated youth, particularly those of North African origin.

<sup>cv</sup> Spensky, 2006 and Stasi Hearing, 2003 (report available at [lesrapports.ladocumentationfrancaise.fr/ BRP/034000725/0000.pdf](http://lesrapports.ladocumentationfrancaise.fr/BRP/034000725/0000.pdf)).

<sup>cvi</sup> Spensky, 2006.

<sup>cvi</sup> According to the French Ministry of Education, about 600 students initially came to school wearing banned religious symbols – mainly headscarves, compared to 1,500 in the year before the ban was introduced. By the end of 2004 – the law came into effect with the start of the academic year in September – 47 students had been expelled from public schools and 550 other cases resolved through dialogue ('Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 of Events of 2004 (France)', International Federation for Human Rights, Helsinki).

<sup>cix</sup> International Helsinki Federation for Human Rights, 2005, p70.

<sup>cx</sup> A detailed examination of the role of education is beyond the scope of this paper but attention should be drawn to the significance of the education system in a range of ways to the issues discussed here. Wearing a *hijab* has most often been in an issue in relation to teachers – in their role as representatives of the state – and pupils. Exemptions for Muslim girls have been requested, for example from physical or sex education classes. The role of schools in moulding future citizens explains why education is a significant battleground for religious and cultural debate.

<sup>cx</sup> '...The Commission for Racial Equality concluded in March 2004 that school policies prohibiting the use of the headscarf, along with other forms of headgear, amount to "indirect racism"' (International Helsinki Federation for Human Rights, 2005, p149).

<sup>cxii</sup> There are three cases relating to this: a decision by Judge J Bennet given on 1 June 2004 (2004 All ER D 108 Jun), which dismissed an application for judicial review of the school's decision; R on the application of B v Governors of Denbigh High School 2005 1 FCR 530, where the Court of Appeal reversed the first judgment; and R on the application of Begum v Head Teacher and Governors of Denbigh High School 2006 UKHL 15, in which the highest court, the House of Lords, restored the first judgment.

<sup>cxiii</sup> In the written judgment, it was noted that Shabina Begum had been accompanied by her older brother and his male friend when she first challenged the school's uniform policy, and that the brother had later said he 'was not prepared to let her attend school unless she was allowed to wear a long skirt'. The implication – although this was not made explicit – was that she was being unduly pressured by her brother. The suggestion of coercion echoes a point made in the Stasi Commission deliberations regarding the wearing of the hijab in France: that if the school permitted one Muslim schoolgirl to wear a particularly strict form of Muslim dress, this would exert pressure on others to follow.

<sup>cxiv</sup> Moreover the judges were split, with a minority viewing prohibition of the scarf as in keeping with existing laws about the neutrality of public servants.

<sup>cxv</sup> Berghahn and Rostock, 2006.

<sup>cxvi</sup> International Helsinki Federation for Human Rights, 2005, p22.

<sup>cxvii</sup> The response by the Federal Minister of Societal Integration and Equal Opportunities was negative. Instead, a Federal Commission on Intercultural Dialogue was established and reported in May 2005. The Report was far less decisive than that of the French Stasi Commission, offering different acceptable interpretations of



‘neutrality’ in employment in public services. Some public services have adopted a general policy of ‘inclusive neutrality’ which allows employees to wear religious symbols and dress, other services adopt a tolerant stance on a case-to-case basis towards this practice. It is for school boards to decide whether to allow or forbid pupils to wear headscarves, in accordance to their internal rules and pedagogical project.

<sup>cxviii</sup> International Helsinki Federation for Human Rights, 2005, p46.

<sup>cxix</sup> Prins and Saharso, 2006.

<sup>cxx</sup> Holzleithner and Strasser, 2006.

<sup>cxxi</sup> International Helsinki Federation for Human Rights, 2005, p35.

<sup>cxxii</sup> Skjeie, 2006.

<sup>cxxiii</sup> Swedish and Norwegian ombuds have upheld employees’ right to wear a hijab on the grounds of non-discrimination and religious freedom. Germany has also had two significant employment cases, including that of a saleswoman who was successful in challenging her dismissal. In Denmark in 1998, an employer was fined for sending home a schoolgirl intern wearing a headscarf. This led several companies, including IKEA and McDonalds, to change their policies and allow employees to wear headscarves. However, in a later case in 2003, both the High and Supreme Court backed a supermarket – Føtex – which banned headscarves as part of its uniform code which included a ban on all political and religious symbols. In the Netherlands, several cases have been heard by the Commission for Equal Treatment (the Commission created in 2004 to hear complaints of discrimination). In cases such as a public school forbidding a teacher to wear a headscarf and a group of scarf-wearing teenagers banned from entrance to a café, the Commission ruled against prohibition. (Siim, 2006; Frank, 2006; Berghahn and Rostock, 2006; Prins and Saharso, 2006).

<sup>cxxiv</sup> Hellgren and Hobson, 2006.

<sup>cxxv</sup> International Helsinki Federation for Human Rights, 2005, p135.

<sup>cxxvi</sup> In 2004 in a town called Drezzo governed by the League, a woman was fined for wearing a *burka* under Fascist-era legislation banning the wearing of masks in public (International Helsinki Federation for Human Rights, 2005, p100).

<sup>cxxvii</sup> Skjeie, 2006.

<sup>cxxviii</sup> Prins and Saharso, 2006.

<sup>cxxix</sup> International Helsinki Federation for Human Rights, 2005, p33.

<sup>cxxx</sup> The conference on which this report is based took place before a newspaper article in October 2006 by Jack Straw, the Labour Member of Parliament for Blackburn, sparked a public debate about Muslim women’s dress. In the article, Jack Straw reported that he asked female constituents visiting his surgery to uncover their faces. This was followed by media coverage of the case of a Muslim teaching assistant suspended from her job for refusing to remove her ‘veil’. Aishah Azmi lost her employment tribunal case for discrimination and harassment, but was awarded damages for victimisation by Kirklees Council ([http://news.bbc.co.uk/1/hi/uk\\_politics/6069012.stm](http://news.bbc.co.uk/1/hi/uk_politics/6069012.stm)).

<sup>cxxxi</sup> Skjeie, 2006.

<sup>cxxxii</sup> It has been suggested that in the Netherlands that ‘[I]n the emancipation policy,

like in the integration policy, the focus is now on immigrant women. They are seen as important cultural brokers upon whom the integration of their community is dependent, but also, particularly so in the emancipation policy, as victims of their oppressive cultures' (Prins and Saharso, 2006).

<sup>cxixiii</sup> *Les femmes sont '...souvent les premiers vecteurs de l'intégration, mais qui en sont aussi les premières victimes en cas d'échec'* (Commission Nationale Consultative des Droits de l'Homme (2004) 'Study of female genital mutilations in France').

<sup>cxixiv</sup> Hellgren and Hobson, 2006.

<sup>cxixv</sup> Prins and Saharso, 2006. Similarly, at a conference against harmful traditional practices which built on the work of Austrian Minister Maria Rauch-Kallat it was stated that 'Not so long ago practices like female genital mutilation, early marriage, and honour killings were widely practised in Europe. The fact that they are now restricted to certain immigrant groups shows it is possible for cultural practices to evolve. European women today must continue the fight for such degrading and inhuman practices to be eliminated on our continent. We owe it to those in previous generations who fought for our right to equality, dignity and the integrity of the human body to continue to battle – both within Europe and beyond' (Benita Ferrero-Waldner, European Commissioner for External Relations and European Neighbourhood Policy, 'Women's Rights are Human Rights, Conference on Joint Action of Member States against Harmful Traditional Practices' Brussels, 25 January 2006 available at <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/06/format=HTML&aged=1&language=EN&guiLanguage=en>).

<sup>cxixvi</sup> Coene and Longman, 2006. *Allochthonous* is used to describe those born or with parents born outside the country in question; *autochthonous* means white, indigenous European.

<sup>cxixvii</sup> See Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2004); Fawcett Society website [www.fawcettsociety.org.uk/index.asp?PageID=30](http://www.fawcettsociety.org.uk/index.asp?PageID=30) [accessed 10/09/2006]

<sup>cxixviii</sup> Prins and Saharso, 2006.

<sup>cxixix</sup> Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2004) p27.

<sup>cxl</sup> 49% of the women from a Turkish background and 44% of the women from Eastern Europe questioned had experienced physical or sexual violence or both since the age of 16, while 40% German women questioned had suffered either sexual or physical violence or both (Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 2004).

<sup>cxli</sup> In Sweden, after the murder of Fadime, the voices of immigrant women were not heard. In the media, Kurdish organisations were represented by men while feminist perspectives were voiced by Swedish women (Hellgren and Hobson, 2006).

<sup>cxlii</sup> Coene and Longman, 2006.

<sup>cxliiii</sup> For example, the Austrian Government's focus has been on harmful traditional practices, with policy makers and NGOs alike stressing that these are not confined to a particular religious or national background: in the explanatory remarks accompanying the amendment to the penal code on FGM, the Government emphasises that FGM is not based on religious demands but on 'certain social traditions' (Holzleithner and Strasser, 2006).

- <sup>cxliv</sup> Committee on Equal Opportunities for Women and Men, report to the Parliamentary Assembly of the Council of Europe. Rapporteuse Mrs Cryer, UK. 'So-called "honour crimes"' Doc. 9720, 7 March 2003.
- <sup>cxlv</sup> Hellgren and Hobson, 2006.
- <sup>cxlvi</sup> Islam was recognised as an official religion in Belgium in 1974 but the Catholic church remains privileged in terms of financial and other Government resources (Coene and Longman, 2006, and presentation at Amsterdam conference, June 2006).
- <sup>cxlvii</sup> Skjeie, 2006.
- <sup>cxlviii</sup> For example, the 2006 Equality Act contains exemptions that could be used by religious bodies to avoid complying with general anti-discrimination requirements in order to protect their religious identity: Section 49 of the Equality Act states that it is unlawful for an educational establishment to discriminate against pupils in its admissions, benefits, facilities and services. Section 50 exempts schools with a religious character or ethos from the provisions in Section 49. Section 59 allows faith schools to restrict the provision of goods, facilities and services 'in order to avoid causing offence, on grounds of the religion or belief to which the institution relates, to persons connected with the institution' (Part II of the Equality Act 2006).
- <sup>cxlix</sup> Coene and Longman, 2006.
- <sup>d</sup> European Women's Lobby (2006) 'Religions and Women's Human Rights. Position paper of the European Women's Lobby' (adopted 27 May 2006).
- <sup>cli</sup> Kurdish groups who denied any connection between Kurdish culture and honour violence were criticised by the Government for not having prevented Fadime's murder (Hellgren and Hobson, 2006).
- <sup>clii</sup> As Coene and Longman point out '...Belgium is a very multi-ethnic/multicultural and diversifying society. Nevertheless, in line with global dynamics regarding Islam and Muslim minorities, the attention in public debate is very much focused on Islam and Muslim identities'.
- <sup>cliii</sup> see Berghahn and Rostock, 2006.
- <sup>cliv</sup> See for example, Coene and Longman, 2006; Hellgren and Hobson, 2006.
- <sup>clv</sup> Interview with the Viennese City Newspaper 'Falter' March, 2005. Her remarks provoked criticism from anti-racism NGOs and the Islamic Congregation (Holzleithner and Strasser, 2006).
- <sup>clvi</sup> Press release by the Federal Ministry of Health and Women, February 2006.
- <sup>clvii</sup> This section focuses on 'good practice' in relation to violence rather than questions of dress – the *hijab* etc.
- <sup>clviii</sup> In Germany, 'individual cases are generalised while no reliable figures on the subject [of 'honour' crimes and forced marriage] exist' (Berghahn and Rostock, 2006). In Norway, there are concerns about the lack of coordinated statistics (Bredal, 2005, p339).
- <sup>clix</sup> Swedish Ministry of Justice and the Swedish Ministry for Foreign Affairs 2004. Kvinnoforum's report also found 'In general there was a great lack of statistics and statistical information on HRV [Honour-Related Violence]' (Kvinnoforum, 2005, p23).
- <sup>clx</sup> In Austria 'very often, debates about the status of women within minorities are deeply entangled with other political issues, such as election campaigns, where

agitating against migrants is a measure of winning over the electorate, the debate concerning Turkey's access to the EU or the global "war against terror". (Holzleithner and Strasser, 2006).

<sup>clxi</sup> Bredal, 2005.

<sup>clxii</sup> The Network Against Harmful Traditions includes as part of its purpose 'Refer specifically to certain forms of violence against women, e.g. female genital mutilation, in the criminal code. No one should be left uncertain, that this constitutes a crime.' [www.bmgf.gv.at/cms/site/detail.htm?thema=CH0370&doc=CMS1138630552563](http://www.bmgf.gv.at/cms/site/detail.htm?thema=CH0370&doc=CMS1138630552563) [accessed 5/8/06].

<sup>clxiii</sup> Skjeie, 2006.

<sup>clxiv</sup> Available at [www.fco.gov.uk](http://www.fco.gov.uk).

<sup>clxv</sup> Skjeie, 2006.

<sup>clxvi</sup> The Red Cross in Norway warned that the mandatory prosecution provision would undermine trust between agencies and young people. By 2004 there had only been one criminal case of a man of Pakistani origin found guilty of forcing his daughter into marriage as well as of violence against other women in his family. He was given three years in prison and ended up serving one year. (Bredal, 2005).

<sup>clxvii</sup> For example, FORWARD in the UK, (see Dustin and Phillips, 2006).

<sup>clxviii</sup> Coene and Longman, 2006.

<sup>clxix</sup> Bredal, 2005.

<sup>clxx</sup> Prins and Saharso, 2006.

<sup>clxxi</sup> Berghahn and Rostock, 2006, make this point in relation to Necla Kelek.

<sup>clxxii</sup> Siim, 2006 and <http://service.spiegel.de/cache/international/0,1518,411287,00.html>

<sup>clxxiii</sup> Prins, 2004.

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